PROHIBITION IN OUTLINE

F. ERNEST JOHNSON

HARRY S. WARNER

EDITED FOR INTERDENOMINATIONAL USE

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AND

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Prepared in consultation with the Executive Officers of
The Scientific Temperance Federation
The World League Against Alcoholism
The Anti Saloon League of America

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CONTENTS

CHAPTER		PAGE
	Introduction	5
I.	Facing the Situation	9
II.	Was Prohibition "Put Over"?	16
III.	Prohibition in Practice	23
IV.	Prohibition as a World Movement	30
V.	Can the Use of Alcohol be Justified? —From the Viewpoint of the Individual	38
VI.	Can the Use of Alcohol be Justified? —From the Viewpoint of Society	44
VII.	Liquor and Other Social Evils	52
VIII.	Prohibition and Respect for Law	59
IX.	Is Prohibition Right or Wrong?	65
X.	Public Opinion: Growing or Waning?	71
XI.	The Problem of Enforcement	78
XII.	Facing the Alternatives	86
XIII.	A Program of Action	93
	Bibliography	101

INTRODUCTION

TO make effective the will of the people as expressed in the Eighteenth Amendment to the federal Constitution of the United States of America it is necessary that the thinking of the citizens of the country be leavened with the truth about alcoholism. This is especially true in the case of our young men and women who, from personal observation and experience, know little or nothing about the saloon or the liquor traffic of pre-prohibition days.

Many wet newspapers and other journals propagate misleading and false statements and arguments calculated to befog the issue, deceive the unsuspecting, and create a spirit of nullification, prejudice, and defiance toward the prohibition law. This wet propaganda tends to destroy respect for the prohibition laws of the nation and the States and for all law as well.

In such a situation when enemy forces seek to overthrow the basic law of the land by disregard, defiance, and nullification, it is vital that the people know the truth.

The authors of this little volume, PROHIBITION IN OUTLINE, have brought within the reach of the student of this live question a body of facts and suggestions that should materially aid in forming a sound judgment on the issue. Many phases of the problem of prohibition are considered under such chapter headings as follows: "Was Prohibition 'Put Over'?" "Prohibition as a World Movement," "Can the Use of Alcohol Be Justified?—From the Viewpoint of the Individual," "Can the Use of Alcohol Be Justified?—From the Viewpoint of Society," "Prohibition and Respect for Law," "Prohibition in Practice."

The textbook here presented will be found stimulating and suggestive for study groups in young people's societies, in high schools, colleges and other groups. As a short study course for W. C. T. U., Y. M. C. A. and Y. W. C. A. groups, reading circles, and adult classes in the church schools this book will be found a handy and useful volume.

The authors of the book have exercised great care in their aim for accuracy and fairness of statement. Individual students may find PROHIBITION IN OUTLINE a ready handbook, suggesting answers to a variety of questions and indicating methods of procedure in a study of the problems and of action in meeting the situation.

The temperance forces of sister countries where the fight against alcoholism is going on should discover in this little book helpful and corrective facts about prohibition in America. Its wide use in the United States and elsewhere should promote healthy public sentiment based upon intelligent understanding.

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Westerville, Ohio.

PROHIBITION IN OUTLINE

CHAPTER I

FACING THE SITUATION

Is the great effort of the American people to outlaw the liquor traffic succeeding? Is it failing? Or has it yet had an adequate trial? Is the country facing a crisis in the movement for national prohibition, or does the uncertainty at the present time mark a natural stage in the growth of such a movement? With how great a degree of assurance can we ascertain the facts?

1. The situation. Many people are asking these questions and attempts have been made to answer them, yet much confusion remains. This study is undertaken with a desire to bring together the essential principles and facts, to consider the most vital phases in the present situation in an open-minded attitude and to help thoughtful young citizens to find an answer for themselves.

The present confusion over the issue of prohibition is due both to the nature of the subject itself and to the propaganda and discussion about it. For there are at least two openly contradictory views of the situation, as well as many complex and varying positions between these two extremes. It is perhaps only natural that confusion should arise; any effort to improve social welfare by law carries with it a limitation somewhere on the freedom of individuals, since there are such large numbers of people who desire to retain alcoholic drink while yet larger numbers desire to remove it from the everyday life of America.

With a subject so complex and so controversial, an open-minded approach is as highly desirable as it is difficult to obtain. But it is the aim of this study to consider, in this spirit, the facts and principles connected with prohibition as it actually is.

2. Gains due to prohibition. The coming of national prohibition outlawed approximately 175,000 saloons. It reduced the consumption of liquors to a small fraction of what it had previously been, and with this reduction came a very great decrease in deaths from alcoholic disease, cases

of dependency due to alcoholism, arrests for drunkenness and similar phenomena which indicate the extent of liquor consumption. The statistics showing these reductions constitute one of the most impressive facts in our social history.

Not only so, but a tremendous social gain was realized, which does not reflect itself at all in statistics, in the effect of increasing sobriety upon the business and industrial life of the nation. This is a matter in which it is very difficult to arrive at accurate measurements because there are so many different factors involved. It would have been much easier to study the effects of prohibition had it not come immediately after a great war and immediately before a great industrial depression. Economists are quite insistent that during such a period as that through which we have passed it is impossible to ascribe social changes to this or that cause alone. Nevertheless, one has but to walk the streets of our cities and even of smaller towns and note the change in their physical aspect due to the passing of the saloon to be convinced that one great factor in the growing prosperity of the nation has been the coming of national prohibition.

Professor Irving Fisher has gone so far as to estimate the economic gain to the nation due to prohibition at six billion dollars. Economists in general are much more conservative on this point, but that the gain has been great cannot be denied.

Perhaps the most impressive single economic fact pointing in this direction is the steady rise in savings bank deposits during the last depression period, 1920-1921, as compared with the previous depression period just preceding the outbreak of the Great War, when savings deposits remained practically stationary. The chief difference between those two periods was the fact that during the second the Eighteenth Amendment and the Volstead Act were operative.

An eminent statistician said recently to one of the writers that he had been talking with a certain business man who could not find words to express his dissatisfaction with prohibition. To him it was the cause of every untoward and unhappy event he knew about. Presently, how-

ever, as the conversation turned upon business matters, this dissatisfied individual had admitted unwittingly that the prosperity which his business was enjoying was due largely to the greatly improved morale of his workers "who were not drunk after pay day as they used to be." It is true there are no statistics on this particular subject, nor is there any complete consensus among employers, but there is an abundance of evidence that prohibition has had the very general effect of toning up industrial morale.

3. The losses of prohibition. It is hardly to be expected that so great social gains should be achieved without some sacrifice or that they should all be held secure during the great popular reaction which always follows a reform movement. Let us be altogether frank and appraise at full value the facts on the dark side of the picture.

The coming of national prohibition meant the imposition of the general will of the nation upon many urban communities which, had they been left free to choose, would have had none of it. This is freely admitted on all hands. But the action of Congress and the States was so sweeping and decisive that it was commonly assumed that the new regime, however drastic it might be thought, would be so effective as to take the profit out of what little illicit traffic in alcoholic beverages might be successfully carried on. The saloons had been in plain view, occupying preferential sites in our business and residential districts, and when the nation voted overwhelmingly to go dry, they naturally had to close their doors. The business had been carried on in the open and there was at the outset no visible way of violating the law on a large scale. Hence the year 1920 brought a fairly effective prohibition regime—not because the government had at that time learned how to enforce the law vigorously but because potential criminals had not yet learned how to break it.

Presently this situation was changed. Where the demand for liquors remained strong, the ingenuity was not lacking to find ways to supply it, and the supply, in turn, stimulated the demand. Little by little a gigantic illicit industry was developed, characterized by an extraordinarily audacious and elaborate technique, backed by unbelievable resources, and entrenched to an alarming degree within the

political organization of the country. The liquor traffic was always a corrupter of politics and the saloon was the center of every malign and anti-social influence in the community. The corruption with which we are now dealing therefore is not a new factor in American life, but it presents new and difficult aspects and very great possibilities of corruption. It has apparently made greater inroads than before upon certain departments of the federal government—particularly upon the law-enforcing machinery. At the same time one should remember that there was an extensive illicit traffic under the old license system.

The outbreak of bootlegging registered very quickly in our social statistics. It was followed by an undeniable increase in arrests for drunkenness. How far this increase represents actual increase in drunkenness cannot be estimated because in many places there was greater police activity in arresting intoxicated persons than before prohibition. However, there has been a decided increase as compared with the first year or two of prohibition. A like increase has also appeared in intoxication as a factor in the situation facing social workers in our cities, as compared with 1920. Our courts have not escaped the contaminating influence. Particularly unfortunate have been the attempts in some places to corrupt our federal judicial system which had hitherto been limited to a different type of cases, and which had always been regarded as our chief bulwark of political and moral integrity.

All this has come about as the inevitable result of a social undertaking of unprecedented magnitude in dealing with a major social evil, one which it would be fatuous to expect would disappear without a tremendous struggle. It needs to be emphasized, however, that the outbreak of liquor lawlessness, serious as it is, has by no means carried us back to where we were in the days of the saloon. Abiding, wholesome results of the new regime are all about us. Furthermore, the history of the prohibition movement by States and counties has been characterized by alternations of wet and dry regimes until the dry policy became thoroughly established.

4. Has Prohibition had a fair trial? There is no use in holding a "post mortem" on the past delinquencies of pro-

hibition enforcement. In any case we shall have to deal with that problem at length later on in this series. But we must at this point notice two facts.

One is that Federal prohibition enforcement has been reorganized several times and at this writing (1927) is only getting its stride. The other fact is that prohibition involves a change in the habits and attitudes of millions of people and that such a change is rarely accomplished—save by a great social catastrophe such as war or pestilence—without years of persistent effort. Even a new system of taxation takes years to prove itself.

This does not mean that it is safe to take for granted the ultimate success of prohibition. Success is not attained by taking it for granted, and there is still a long way to go before the final battle for a sober nation will be won. But to say that reverses in enforcement mean the failure of the law is quite absurd.

5. The problem. It is plain, therefore, that the task before us is to "consolidate our gains" in this great experiment and to overcome the adverse trend which showed itself after the great bootleg conspiracy first raised its head. That prohibition is eminently worth saving can hardly be denied except by those who are unimpressed with the economic and social and moral gains that we have just noted. Even with the terrific onslaught of the bootlegger, prohibition has very substantial net gains to its credit. The reaction of the last several years has by no means swept them all away, although it has undeniably reduced their number. America, saloonless, is still a vastly different country from what it was when the Eighteenth Amendment and the Volstead Act were first promulgated. There are great areas of the country which are comparatively free from the evils that have arisen as a result of violation of the prohibition law, and it must not be forgotten that in multitudes of communities it would probably be just as difficult to arouse any interest in the modification of the Volstead Act as it is in some sections of the city of Chicago or New York or Philadelphia to arouse interest in maintaining it.

In other words, prohibition is to be judged not by the extent of present violations of the law but by the net

changes in our social life that have been realized and maintained in spite of terrific and criminal opposition.

On the other hand, there is great peril in the failure to realize the strength of the opposition to prohibition and the possibility that in many sections of the country the prohibition regime may be effectually undermined. There seems to be much less danger at the present time that the Volstead Act will be modified than that in many of our cities it may be nullified. Political inertia coupled with the fact that the Constitution is exceedingly difficult to change is likely to preserve the *status quo* long enough to give the moral forces of the community an opportunity to build up the sentiment necessary to make the law more fully effective. If, however, these moral forces should content themselves with merely keeping the law on the statute books there is obvious danger that it may remain written there without being written in the permanent life of the nation.

The situation is complicated by the fact that public opinion has been bombarded of late in the interest of modification. Newspaper polls have been taken and the results broadcast over the country, indicating in general the dissatisfaction of those who voted in the polls. In the hearings before the Senate Judiciary Committee the most sensational testimony was that offered in the interests of a change in the law, and naturally it was this testimony that loomed largest in the press reports. While it would be folly to disregard these evidences of formidable opposition and of the existence of a powerful, convinced and determined body of irreconcilable citizens, it is easy to overestimate the importance of these adverse sentiments. Newspaper polls are significant chiefly in voicing protests, not in measuring public sentiment. In the latter respect they are notoriously inaccurate. And as for the Senate hearings, however great a body of opinion the anti-prohibitionists may have had behind them it was the drys who gave the impression of speaking in the most representative capacity.

Summary. So much for the situation that the nation now faces with reference to prohibition. The primary question about the law is not that of social values accruing through prohibition. These are abundantly attested. The

opponents of the law are, rather, centering opposition on the question of its enforcement and enforceability. They are ably assisted in many localities by a wet press. The friends of prohibition recognize the importance of the issue and agree on the necessity of maintaining the dry regime and winning for it increasing public understanding and support.

For Inquiry and Discussion

1. A twelve-year-old boy, living within fifty miles of New York, asked his father recently this question: "What is a saloon?" What bearing has this incident upon the present problem?

2. This same boy is, however, quite familiar with the terms "hooch," "hip flask," "bootlegging," and with the fact that the parents of many of his boy friends have private stocks of liquor which are freely in evidence in their homes. What does this suggest as to the nature of our task of education?

3. In what respect, if any, is the educational objective different from what it was before the passage of the Eighteenth Amendment and the Volstead Act?

4. What changes, favorable or unfavorable, can you discover in your own community which are undeniably due to the passing of this legislation?

5. Among what classes of citizens in your community is the social use of liquor most prevalent: (*a*) professional? (*b*) business? (*c*) industrial? (*d*) foreign-born? To what extent does such use represent: (*a*) a new drinking custom? (*b*) drinking custom begun before prohibition?

6. What evidence do you find in your community of (*a*) activity of bootleggers? (*b*) of a demand for liquor by those willing to pay high prices to get it? (*c*) of corruption of officials or courts? (*d*) of general indifference of citizens?

7. What, if anything, is being done to arouse and give expression to sentiment favorable to enforcement—in the public press? in the schools? in the churches and Sunday schools? in political parties?

8. What more can be done to increase observance of law?

CHAPTER II

WAS PROHIBITION "PUT OVER"?

THERE is and has been much questioning about the way national prohibition was adopted in the United States. Did it come because the people wanted it—seriously, intentionally? Did it come suddenly, or how does it happen that many people seem to have been taken off guard? Was the process that led up to the adoption of the Eighteenth Amendment truly the action of the people, or did some special interest, or section of the country, or the churches, or the temperance agencies have undue influence? Were the people consulted or did a lobby at Washington "put over" something on the country while it was absorbed in the enthusiasms of a foreign war?

1. The impression of suddenness. To one even partially acquainted with the one hundred years of temperance effort and the half century or more of experimenting with every known method and theory for solving the drink problem that had been going on in America, there can be little or no reason for thinking that national prohibition came suddenly or unexpectedly.

But there were millions of people, especially in the great cities and the eastern part of the country, who knew little of how widely temperance and prohibition opinion had grown. They were "the missed" in the long educational and experimental movement that had preceded the appeal to national law. Some of the more important of these were:

(1) Large groups in the eastern parts of the country, kept ignorant of what was going on elsewhere by the failure of the newspapers, because of liquor influence, to report news of the prohibition movement. Among these may be included certain influential classes, often people of wealth and standing, who ignored public matters of a moral character, or who were wholly absorbed in other affairs. They did not have opportunity to learn either the facts of prohibition progress throughout the rest of the country, or

the new scientific discoveries and economic and industrial experiences that were supporting it.

(2) The millions from foreign lands, nearly all with long-established drink customs, who had been coming to this country at the rate of nearly a million a year for twenty-five years previous to the beginning of the final movement for national prohibition. Settling in crowded cities, they and their children had little chance for contact with temperance educational work. They did not have opportunity to see the favorable results of local saloon banishment that had much to do with setting public opinion among the older American peoples toward complete prohibition. New York City is 76 per cent foreign-born or the children of foreign-born, Chicago 72 per cent, Philadelphia 54 per cent; many cities and smaller towns are composed of similar percentages. Many of these became voters and were led in large numbers by the worst of "ward bosses" in support of the saloon and the sort of politics having its center on the saloon. To many of these the arrival of prohibition was indeed sudden and serious.

But the sources of the "put-over" idea cannot be found either in ignorance or in lack of attention. It originated, wholly and simply, as anti-prohibition propaganda of the most misleading sort. It was made possible by the situation existing when the final steps in the adoption of the amendment were complete. A world war had just come to a close. Two million young men were overseas and two million more in army camps at home. Many of these, of voting age, had helped elect the Congress that proposed the Amendment and the legislatures that ratified it before America entered the war, while in France, restlessly awaiting return home, systematic wet propaganda was circulated to create the impression that the people at home had taken advantage of their absence to "put over" this new amendment. Cultivated under such a situation this false idea gained undue influence; some, even yet, have not had opportunity to learn how prohibition actually came about.

It is well, therefore, to study the steps and facts in the process by which national prohibition was adopted and especially the long period of educational and experimental effort that preceded it.

2. The years of experimenting. Previous to the time when prohibition entered the national stage, about 1914, there had been a hundred years of earnest effort, widespread throughout the United States, to find a solution for the drink problem. During that time every important idea for reducing excess that had originated, either in this country or anywhere else throughout the world, had been tried somewhere in the United States. Much progress had been made. The number and influence of non-drinkers had been steadily increasing and yet at the same time the organization and strength of the liquor traffic and the amount of drink used had also increased. The question was becoming more complicated and more difficult even while temperance sentiment was growing.

The first temperance societies were formed about 1808 in New York and Connecticut. Their object was to reduce excessive drinking of distilled spirits. A little later personal abstinence pledges were introduced against all distilled spirits; and still later against all intoxicating drinks. This latter step came as a result of seeing that beer, which was at first regarded as a temperance drink, did not in fact work that way but opened the way to the use of the stronger drinks.

The abstinence societies and the pledge movements spread widely throughout the country, enrolling millions of members. They continued intense activity for at least a half century, and some of the plans they started have continued to the present time. Their efforts were only partially successful because the saloon keeper and the old friends of the reformed drinker renewed their efforts to win back those who had given up the habit. With all this grew the demand for legal restriction and prohibition. The idea developed that law should be on the side of those who were seeking temperance, not on the side of the liquor dealer.

From the first days of the republic heavy restrictions were laid on the liquor seller. These grew into a great license system, the purpose of which was to put the business in the hands of reliable men and prevent abuse. It resulted in great revenue for the city and state government and in making the liquor dealer a self-conscious and important

man in the community, but it did not in any way limit, but, rather, increased, the temptations and opportunities to drink. The license system failed completely as a temperance measure.

At one time efforts were made to popularize beer as a substitute for the "hard licker" of the earlier days. This added a new drink to general use but did not decrease the popularity of the older drinks to any extent. Government ownership was tried in one State, South Carolina, for twenty years and in towns in Georgia and the Dakotas, yet with all this experimenting drinking continued and the traffic grew so as to reach the maximum per capita consumption in the year 1907.

Local option and other local prohibition methods were applied to townships, precincts, villages, districts, counties, and every possible unit for the banishment of the drink traffic in those communities. These methods brought a decided change in the community, especially after a few years, and gave people an opportunity to see the result of local prohibition at first hand. By the time the Amendment was adopted 2,238 out of the 2,543 counties had experimented with prohibition in one form or another, and had kept it. State prohibition was also tested, first in the "fifties," when eleven States hastily adopted it, of which one State, Maine, continued down to the present time, and then again in the "eighties," when four States adopted it, of which two continued to the present time.

After sixty years or more of experimenting with prohibition, with scientific education in the public schools back of it during the last forty, with a new industrial demand for the removal of the saloon, and with widespread organization, the last stage of prohibition began after 1900. Since that time States have steadily adopted it until thirty-two had done so by the time national prohibition came into operation.

When the movement definitely reached the stage of national prohibition in 1914, with the adoption of the Webb-Kenyon law forbidding importation of drink into dry States and local territory, the climax had back of it nearly a century of experimenting and first-hand observation of results, both favorable and unfavorable. No social

movement perhaps in the history of the world had been so thoroughly tested as had this in the laboratories of States and thousands of local communities.

3. Steps in the process. The growing seriousness of public opinion about drink as a national issue, and the major steps by which the movement for legal banishment went steadily forward from that of local restriction and supervision, intended to do away with some of the worst abuses, to full national prohibition, have been stated as follows:

During a period of slightly more than a quarter of a century efforts to secure effective prohibition legislation in the United States have passed through six successive stages. In the first stage prohibition was applied to the sale of intoxicating liquors to minors, drunkards, and on holidays, Sundays, and specified hours of the day. The second stage witnessed the application of prohibition through the local veto method, to precincts, townships, towns, and villages. During the third stage the local option method was used in expanded form, so that prohibition might be applied to the district, county, or parish as a unit. The application of prohibition to the State as a unit characterized the fourth stage. Prohibition by Congress of the use of interstate commerce for intoxicating liquors intended to be used in the violation of the laws of any State, thus giving the largest possible degree of State sovereignty on the question of prohibition or regulating the liquor traffic, characterized the fifth stage of the movement. An iron-clad prohibitory amendment to the federal Constitution, the enactment of stringent prohibition enforcement laws by the federal Congress and the several State Legislatures, were the outstanding features of the sixth stage. (Ernest H. Cherrington, "World-Wide Prohibition Progress.")

4. Summary statement. The following "Ten Facts" give in definite form the method in detail of how the prohibition law was placed in the Constitution of the United States and the tests of public opinion that were thus made, at each step, in accordance with the methods provided in the Constitution itself:

The Ten Facts

(1) The Constitution of the United States provides specifically the way in which amendments may be made. The Eighteenth—the Prohibition--Amendment was adopted in full accord with these provisions, and just as were the preceding Seventeenth and the later Nineteenth.

(2) The United States Senate, on August 1, 1917, voted to submit the Amendment; the vote was 65 to 20.

(3) The United States House of Representatives, on December 17, 1917, voted to submit the Amendment, by a vote of 282 to 128.

(4) This Congress which submitted the Amendment had been elected in November, 1916, and earlier, with prohibition as the dominant issue, five months before the United States entered the World War.

(5) From January 18, 1918, to January 16, 1919, thirty-six States, the necessary three fourths, ratified the Amendment with a combined legislative vote of 4,086 to 829.

(6) Since ratification by the necessary thirty-six States ten more States have ratified, with a combined vote of 1,016 to 416.

(7) The only States that have not ratified are Rhode Island and Connecticut.

(8) The movement that led up to the Eighteenth Amendment began in 1851, when the first State adopted prohibition, seventy-five years ago.

(9) When the United States entered the World War, twenty-six States had already voted "dry" and over eighty-five per cent of the area, inhabited by more than sixty million people, was "dry" territory.

(10) No other amendment to the Constitution was ever discussed so widely, or so continuously, or through so long a stretch of years, or was opposed by such organized, well-financed forces throughout every State as was the Eighteenth. *And no other amendment was ever adopted so overwhelmingly.*

For Inquiry and Discussion

1. What had been the local situation in your community prior to the passage of the Amendment —(*a*) local option, with licensed saloons? (*b*) local option, with prohibition? If the latter, how widely did prohibition extend—township? county? or State? (*c*) How many times, if at all, did your community, county, or State alternate between license and prohibition? (*d*) What method was in force at the time the Amendment was passed?

2. What efforts were made prior to the Amendment to educate local sentiment in your community on the subject of alcoholic drinks and the policy of dealing with the liquor traffic? Which, if any, of these efforts have been less vigorously prosecuted since the passage of the Prohibition Amendment?

3. Which elements in your community are most outspoken against prohibition: (*a*) foreigners? (*b*) wealthy citizens? (*c*) industrial workers? (*d*) employers of labor?

4. Which elements are most outspoken in its favor: (*a*) the churches? (*b*) employers of labor? (*c*) the schools? (*d*) business men? lawyers? (*e*) labor organizations?

5. Which of these can give well-founded reasons, substantiated by facts, for their opinions?

6. What opinions based on insufficient knowledge or misconception can you correct?

7. To what extent is every individual responsible for the local sentiment of his community in this matter?

CHAPTER III[1]

PROHIBITION IN PRACTICE

THE national prohibition laws of the United States consist of the Eighteenth Amendment to the federal Constitution and the National Prohibition Act, usually called "the Volstead Act," passed by Congress to put the amendment into operation and provide for its enforcement. Both went into effect January 17, 1920. The Amendment reads as follows:

> Sec. 1. After one year from the ratification of this article, the manufacture, sale or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.
>
> Sec. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

The Amendment does not define the term "liquor," or the phrase "intoxicating liquor," but Section I of Title II of the National Prohibition Act defines as intoxicating liquor any whisky, brandy, rum, gin, beer, wine, ale, porter, or other liquid having an alcoholic strength of one-half of one per cent or more by volume. This limit was fixed in accord with long-established practice in distinguishing between beverages that are taxable as intoxicating and those that are not. The one-half-of-one-per-cent limit was not an innovation in the interest of enforcing the Eighteenth Amendment, but a limit long recognized and agreed upon.

Government control of alcohol. While spirituous liquors and alcohol may be manufactured for use in the treatment of diseases, and in the arts and industries, the law, nevertheless, prescribes the conditions under which they may be manufactured and used, who may use them, and the quantity which may be obtained for the various purposes.

[1] The authors are indebted for the larger part of this chapter to an official of the Federal Bureau of Prohibition.

There is no limitation on the quantity of alcohol that may be used in arts and industries, provided the completed article into which it enters is not intoxicating and is not used as a beverage. Alcohol is used either in the form of pure alcohol or denatured alcohol; that is, alcohol as originally distilled, having a proof of from 160 to 190 degrees, or with certain disagreeable or noxious elements added so as to render it unfit for beverage purposes but not to impair its usefulness in the arts and industries. It is, indeed, important to remember that the Volstead Act puts upon the government not only the duty of enforcing the Eighteenth Amendment, but that of fostering the legitimate trade in industrial alcohol. This very greatly complicates the business of administration, since that trade is extensive and growing.

The sale of beer and other malt liquors for medicinal purposes is not permitted, and since they are not used in the arts and industries, their manufacture is prohibited. The manufacture and use of near-beer, or other cereal beverages under one half of one per cent of alcoholic strength, is permissible. Non-intoxicating cider and fruit juices may be made for use in the home, without limitation as to quantity, but they must not be intoxicating, and they can be sold only to manufacturers of vinegar. The manufacture of cider and vinegar for commercial purposes is allowed, but must be under authority of a permit.

Much criticism has been offered of the provision relative to "non-intoxicating cider and fruit juices." It is argued that this gives virtual immunity to those who have facilities for making wine in their own homes and particularly to the farmers who make cider in considerable quantities. It is, admittedly, a difficult provision to make effective, since "intoxicating in fact" is a quality that only a jury is competent to establish, and the prohibition agents cannot, as in the case of beverages offered for sale, determine the illicit character of the drink by having it analyzed.

However, it would obviously run counter to our tradition of the inviolability of domicile to enact prohibitions with respect to home manufacture as rigid as those that concern the trade in intoxicating drinks.

Distilled spirits, as ordinarily understood, that is,

whisky, brandy, rum, etc., may be used in the treatment of diseases, on physicians' prescriptions, not more than one pint to be prescribed in ten days for the same person, and the physician prescribing must be regularly licensed, have a permit from the commissioner of internal revenue, and keep a record of the prescriptions written, using a blank form of prescription provided by the government, and he is restricted to not more than four hundred such blanks a year.

Here, again, is a point at which severe criticism has been lodged against the law—not the original Volstead Act in this case but the Willis-Campbell Amendment, passed in 1921, which placed the writing of physicians' prescriptions under the restrictions above enumerated. A recent decision of the Supreme Court upheld this limitation. Medical opinion is divided as to the medicinal value of spirits as compared with alternative forms of treatment, but there is good reason to believe that no serious hardship, save perhaps in isolated cases, is worked upon either physician or patient by the prohibitions in the law.

About 5,000,000 "tax gallons" of distilled spirits were removed from warehouses during the fiscal year 1926. During the same period 105,000,000 "wine gallons" of denatured alcohol were produced for industrial purposes. Industrial alcohol is in increasing demand for legitimate purposes. This makes the enforcement problem very difficult, since for several years the diversion of such alcohol from legitimate uses has been a serious problem. The government has developed an elaborate permit system to prevent such operations. There are now, according to the official records of withdrawals, approximately 26,000,000 gallons of distilled liquors stored in the various concentration and distillery warehouses throughout the country, a stock believed to be sufficient, at the above rate, to meet the legitimate demands of the country for several years.

Recently there has been much agitation over "poisoned alcohol," that is to say, alcohol denatured by mixing wood alcohol with it. Wood alcohol is a deadly poison. It is contended by many, chiefly the enemies of prohibition, that the use of wood alcohol as a denaturant has caused a great many deaths. This agitation, however, is quite misleading.

The use of wood alcohol for this purpose has been going on for many years. It is not a device for making the prohibition law effective. It is a standard method not only in this country but in other countries of making industrial alcohol unfit for beverage purposes and thus freeing it from the heavy tax that is put upon beverage alcohol. Furthermore, the present formula authorized by the Bureau of Internal Revenue calls for but an addition of 4 per cent of wood alcohol, whereas English "methylated spirits" contain 10 per cent of wood alcohol. Thus the danger of wood alcohol poisoning through the use of denatured alcohol as a beverage is very much less than is generally supposed.

What is even more to the point, however, is the fact that the Metropolitan Life Insurance Company's figures, which are very representative of the entire country, show that the number of deaths from wood alcohol poisoning is not very large; in fact, much lower than five years ago. In 1926 the Metropolitan's record shows but 29 deaths from this cause as compared with 24 in 1926, 20 in 1924, 27 in 1923, 36 in 1922, 71 in 1921, and 90 in 1920. Thus, while there has been a recent increase in the number of deaths from wood alcohol poisoning, there are, according to the Metropolitan figures, less than one third now of the number recorded in 1920.

When prohibition became effective, there were about 50,000,000 gallons of distilled spirits in the various bonded warehouses in the United States, and by the provisions of the Willis-Campbell Act, no more distilled spirits may be produced in the United States until, in the opinion of the Secretary of the Treasury, the present quantity is so reduced as to render further production necessary in order to have on hand an available supply to meet public demands.

No distilled spirits may be imported into the United States, nor any wines, except in the case of some peculiar kinds required for the treatment of disease, or for sacramental purposes, not obtainable in the desired quantity or quality in the United States.

The enforcement of the Eighteenth Amendment and the National Prohibition Act is committed by law to the Bu-

reau of Prohibition with a Commissioner of Prohibition, appointed by the Secretary of the Treasury, at its head. This Commissioner, in the words of the Act of 1927, "with the approval of the Secretary of the Treasury, is authorized to appoint in the Bureau of Prohibition such employees in the field service as he shall deem necessary, but all appointments of such employees shall be made subject to the provisions of the Civil Service laws."

The machinery of enforcement. Prohibition enforcement comprises three major undertakings, to wit: (1) the prevention of smuggling or unlawful importations of liquors; (2) prevention of the unlawful manufacture and sale of intoxicating liquors within the country; and (3) prevention of the diversion and unlawful use of liquors authorized for non-beverage purposes. The United States Coast Guard has a large fleet of vessels occupied mainly in the prevention of smuggling, while the Canadian and Mexican borders are efficiently patrolled by joint prohibition and customs officers. By treaties made with foreign countries the traditional three-mile limit has been extended for prohibition purposes to twelve miles. By these several instrumentalities rum-running has been very greatly reduced, and it is believed that it will, in the course of a short time, be under complete control.

There are now about 4,000 employees of all kinds engaged in the work of enforcement under the Federal Government. These include federal agents, inspectors, administrators and the clerical force in the Prohibition Unit in Washington and the various administrative offices. It is estimated that approximately 30 per cent of the annual expense occurs in the administration of the permissive system, leaving approximately 70 per cent for direct enforcement. The annual appropriation for enforcement, for the fiscal year 1927, and excluding the part for narcotic drug work, totaled a little less than $12,000,000.

Great headway has been made in the enforcement of prohibition and in many parts of the country, notably in the South and West, there is practically normal enforcement, while a marked advance has been made throughout the country, as will appear from a brief review of the work done.

The record of enforcement. The Report of the Commissioner of Internal Revenue, June 30, 1926, states: "Prohibition agents made 58,391 arrests during the year, and seized 5,935 automobiles, valued at $2,877,894, and 187 boats, valued at $225,561. As a result of the work of such agents, 52,989 prohibition cases were handled in the Federal courts, and 41,154 persons were convicted, of which number 13,312 were given jail sentences. The courts imposed sentences aggregating 4,884 years, and fines amounting to $7,135,248.15."

Considering these accomplishments, in view of the size of the appropriation and the limited force of men, it would appear that, with a sufficient appropriation and amended laws, together with reasonable co-operation on the part of the States, the Eighteenth Amendment and the National Prohibition Act might be enforced with much greater effectiveness. In the judgment of officials a sum of not less than $50,000,000 a year is necessary to accomplish what might be considered adequate enforcement.

Large plans are being laid for the future, enforcement agencies are being improved and extended, additional treaties with foreign countries are being negotiated, and Congress is being urged to make larger appropriations and to strengthen existing laws in a number of places. There is no thought of turning back, or of relaxing efforts, but there is a determined purpose to go forward.

The enforcement machinery of the federal government has been reorganized by a law passed in the closing days of the session of Congress which ended on March 4, 1927. Prior to the enactment of this law, the Prohibition Unit had been a part of the Bureau of Internal Revenue within the Treasury Department. According to the new law, there is a Bureau of Prohibition, the executive of which is known as the Commissioner of Prohibition. The ultimate responsibility for the administration of the Volstead Act rests with the secretary of the treasury.

This reorganization of prohibition administration was proposed by the Treasury Department and approved by the organizations supporting prohibition. It is thought that the plan provides greater efficiency in administration and a greater centralization of responsibility. An important

provision of the new law is the placing of the prohibition agents under the operation of the Civil Service laws. This is expected to improve the quality of the agents and to greatly heighten the morale of the service.

For Inquiry and Discussion

1. What provisions for enforcement do you find in your community?
2. What effect has prohibition had on the news value of drunkenness?
3. How may this create a false impression of the effectiveness of prohibition enforcement?
4. List some of the things needed to make enforcement more effective.

CHAPTER IV

PROHIBITION AS A WORLD MOVEMENT

With the movement to banish the drink custom and the drink traffic in the United States so prominent, how about other countries? What is there elsewhere to correspond with it? Are drink burdens and excesses peculiar to this country, or its climate, or its restless life? Is prohibition here an outgrowth of the alleged suppression of the joys of living by early Puritanism? Or is it America's way of taking summary action against a danger common to many countries, to meet which they also are bestirring themselves? A world-wide view will help answer these questions and may at the same time give a better understanding of the struggle in public opinion now going on at home.

1. New world-wide factors. Three factors in the situation with reference to alcoholic drink have been challenging world attention since the outbreak of the World War, factors that are as new in the history of this subject as they are far-reaching in the lives of nations. They are (1) the first-hand experience of all the great countries, especially of the leading European nations, that came from restricting drink and drink production during and immediately following the war; (2) the adoption of prohibition by the United States and its anticipated significance in international relations in the future, and (3) the increasing application of the results of scientific investigation into the consequences of drink, moderate or otherwise, in industry and on public health.

Previous to the war there were widespread temperance movements in many countries, seeking to rescue men from excess, to encourage personal abstinence, and to counteract social drink customs. Thoughtful men were becoming aware of the social burdens falling on their nations from the general use of drink; scientists were investigating the action of alcohol on individuals and in society; a great body of information was being compiled, though it was not widely used; it remained buried in books, laboratories, and

hospital records. But the shake-up of the war and of after-war experiences has been bringing decided changes. The questioning attitude about drink has tremendously increased and is being directed toward national policy.

(1) War restrictions on drink affected the whole people of a country adopting them, rich and poor, rural and urban. They "brought home" the issue to many in every great belligerent nation—the powerful countries of the world—who never thought of it before. These restrictions were drastic; they were inspired by a patriotic motive, the protection of the country in time of danger; they emphasized the social results of drink, placing the question, for the time at least, above the level of personal gratification. Many who had thought of the question, if at all, only as a moral matter for individual decision, now saw it in a new light.

In Great Britain war limitations on drink were severe; a very large proportion of the whole population was affected. Hours of sale were greatly reduced: public houses being closed except for a few hours each day; manufacture was limited in quantity and alcoholic content; rigid control was established over manufacture, sale, and opportunity for use. Concerning beer, the popular drink, Lord Davenport, of the Food Control Board, said, "The bald fact is that the barley, the sugar and the other ingredients used in brewing are required for food." Results, according to official reports, were marked and clear-cut; less drunkenness, better, steadier work, better homes, better production in the factories, greater co-operation among workers and between workers and employers and fewer disorders.

In France absinthe was prohibited and other high alcoholics were severely restricted. Belgium severely limited the sale of strong liquors and passed a law that has greatly reduced drinking in the years since the war.

Germany limited the use of hard liquors and repeatedly cut down the amount of alcohol permitted in beers, drastically limiting the amount of raw material available for brewing purposes. Neutral countries, as well as the belligerents, took action limiting drink in order to save food, prevent disorder, and reduce national burdens at a time when

nations could not bear the additional losses due to drink. Denmark's war restrictions had such an effect on the health of the people as to give a decided impetus to the movement for local option, which has removed the traffic from the greater part of the country outside of Copenhagen.

In the United States, drink, from the first, was banished from the army and navy, and from the vicinity of army camps, war production communities, and war-essential factories. An army that was more free from drink than any before in the history of the world was sent to the battle front in France. Here the speed, vigor, and aggressive fighting of these "dry-trained" young men made a strong impression on many experienced soldiers and leaders of both Allied and enemy countries.

From these experiences a new body of data has been collected in European countries; significant material of unquestioned reliability has become available. Slowly larger numbers of people—slowly because of the strong influence of old customs and of the vested interests in alcohol—have begun to discover that a nation is better off, in many respects, even in spite of war, when drinking is sharply curtailed than it is when liquor is freely accessible. Many see, as they did not before, the seriousness of the drink burden their countries have been carrying, heretofore almost unnoticed. The improvement in health, sanitation, and the conservation of child life, the gain in producing capacity, and the increased freedom from petty crime and disorder were so marked as to make a strong impression. Socially minded people were stirred to the possibility of yet greater restriction upon drink or even of complete prohibition. Investors in the liquor industry were startled. Men not previously interested in prohibition began to ask, if these things can be in war, why not in peace time?

(2) "The American Venture." Into this new situation of growing antagonism to drink came reports of the adoption of absolute prohibition by the United States. The significance of this action by a country of more than 100,000,000 people, regarded as the most prosperous of the world, in the situation obtaining at the close of the war, can hardly be overestimated. That this country should at-

tempt to banish alcohol completely—a country suffering less from it than many others—for the purpose of conserving health, economic welfare, and producing capacity, was astounding to the world. Naturally men questioned, Was it merely a war-time measure, as were their own regulations? This was the ready assumption, the explanation by those who did not want the truth. But the deeper fact is now becoming known: that national prohibition was not a war measure, but the result of a long period of experimentation and steady growth of anti-liquor sentiment. What other nations had done for temporary war purposes America had undertaken to do for the permanent welfare of the country. It was, as Professor Gilbert Murray, of Oxford, said, "a great event, judged by the standard of world history."

From the results already beginning to appear, scholars, industrial managers and political leaders in various countries are raising these questions: What will happen when America has established a new sort of civilization free from alcoholism? What will happen when such a civilization demonstrates its full producing capacity, if the older countries continue to carry unreduced their present burden of drink consumption?

(3) Recent Scientific Information. The facts about alcohol are being applied more and more to the problems of social as well as individual life. That its use, even in moderate amounts, greatly affects the economic welfare of a people, is being intensely agitated in Central Europe. The results of investigations in European universities are becoming available for guidance in everyday living. The part played by drink in causing sickness, loss of time, and slower response of mind and muscle is coming to be regarded as an important factor under modern conditions of life. Both labor leaders and employers have been stressing it in their respective interests. Labor leaders in some of the Central European countries are fighting drink as an enemy to the workingman on the ground that it lessens his ability to enforce his demand for better wages. And they base their arguments on results of scientific investigation. Throughout the world employers are taking drink into account when recruiting labor or

promoting employees; industry is requiring increasing degrees of abstinence, and, as was the case in the United States, industrial prohibition is accompanying the demand for legal prohibition.

If the future is forecast at all by the actual drift of the present, the problem of alcoholism is bound to present itself as a gigantic international and world issue in the very near future.

2. Movements abroad. Serious questioning of the place of alcoholic drink in modern life is going on in foreign countries far more widely than the public is able to discover through the public press. The evidence is now current and comes from all countries and from many departments of life activity.

Finland already has national prohibition.

Leaders of organized labor in Great Britain, Belgium, and sections of Central Europe take advanced positions against drink as an enemy of the workingman. Some of them indorse local option or national prohibition. Socialist leaders in various countries take a similar stand. In Belgium a recent labor premier said, "There can be no serious labor organization if alcohol brutalizes the worker." He urged working people not to be put to sleep by alcohol.

In England systematic temperance education prevails widely in the schools; the government issues teaching material based on the results of the latest scientific investigations; there is a demand for local option for both England and Wales, and such a law is already in operation in Scotland.

In Holland bills to permit local communities to decide for or against liquor selling have twice passed one house of Parliament and have come to within one vote, each time, of passing the other.

In Sweden the sale of liquor has been stopped in a large part of the country, while an elaborate system of government control has greatly restricted liquor consumption.

Norway has had partial prohibition since the war until the present year when the law was repealed. It is interesting to note, however, that the law Norway has repealed was aimed only at the heavier liquors—exceeding 15 per cent of alcohol—just the kind of law that many anti-prohibition-

ists in America would like to substitute for the Volstead Act.

Russia has abandoned the prohibition of vodka. Apparently the Soviet government is not sufficiently in command of the rural districts to make enforcement possible.

In Germany and Central Europe there is a strong reaction against the use of food material in the manufacture of beer. Large numbers of the young people are giving up drinking customs. In the summer of 1927 a petition signed by more than 2,000,000 persons was presented to the Reichstag asking for a local option law. In Italy recent laws to reduce alcoholism are being enforced; reduction in the number of places selling drink has followed; the raising of wheat instead of wine grapes is being encouraged by the government.

Scientific men of France are keen in their criticism of the continuous absorption of alcohol by the masses of people and the criticism applies to the day-by-day use of wine as well as of spirits. These men point out the danger to national health, the birth rate, morals, and the economic future of the country from the continuous heavy use of alcohol in the many forms in which it is available.

In Switzerland many are advocating non-alcoholic uses for the fruit crops of the country.

In Latin America there is great increase in the scientific attention given the subject. Educational measures are growing in the schools. In Mexico the federal constitution requires local governments to enact laws restricting the liquor traffic; several states have done so to the extent of complete prohibition. In Chile a recent president was noted as an outstanding prohibitionist, a leader of the movement throughout South America. In Paraguay the government has established prohibition zones as initial steps to more complete prohibition. Uruguay has scientific temperance instruction in the schools.

Everywhere throughout Canada the question of drink is being keenly discussed. Wide experimenting toward its solution is and has been going on for years. Many local communities—rural sections, towns and parts of cities—have banished all forms of drink-selling. Eight of the nine provinces have had prohibition in one form or another,

one of them for twenty years. Recently six of these, where prohibition prevailed in a modified form, repealed it and adopted forms of government sale and control. The opportunity thus afforded to compare at first hand the results under two very different policies keeps the public interest in the whole subject active.

Australia and New Zealand are engaged in a series of attempts to secure local and state prohibition, similar in all essentials to campaigns that were conducted in counties and States of the United States previous to the coming of national prohibition.

In India there is an intense conflict between native ideals and the drink traffic. Nearly all the liquor comes from Europe. The desire of the people of all religions for prohibition of all drink is complicated with questions of British revenue. Japan forbids the sale of intoxicants to minors under twenty years of age and the use of liquor by minors.

Everywhere throughout the world the traditional place of alcoholic drink in daily life is being challenged. Dependence on it as a means to good cheer is less and less in evidence, now that the "movie" reaches every civilized community on earth, increased attention is being given to sports and games in many countries, rapid communication is developing, motor traffic is becoming universal, and enlarged opportunities for recreation are opening to the poorer classes. At the same time the effects of alcohol are more and more destructive and socially dangerous; its interference with effective work and self-development and with the happiness and the income of millions of people, especially the industrial workers, is an outstanding fact throughout the world.

3. A "white man's burden." Wherever the white man has gone in Asia and Africa, alcohol and drunkenness have followed. The impact of the West on the East, through commercial promotion of intemperance and the other vices of Western civilization, is adding, needlessly, to the clash of races. It is a never-ending source of friction. That men should make profits and governments seek revenue out of the exploitation of human weakness cannot be understood by the millions of the older civilizations of India,

China, and other countries, whose culture, literature, and religions condemn alcohol and drunkenness.

And it may be justly asked, Why should the East be compelled to accept Western vices? It has its own problems to solve. Why must the efforts of educators, missionaries, and legitimate trade be counteracted by Western liquor?

For Inquiry and Discussion

1. In local discussions regarding prohibition, is reference made to the world aspects of the problem—(*a*) generally? (*b*) frequently? (*c*) not at all?
2. What effect has the American adoption of the national prohibition policy on the temperance and prohibition movements in other countries?
3. What is the effect of the activities of American liquor interests abroad upon the foreign-mission enterprise of the churches?
4. Can the Christian people of America do anything to prevent the exploitation of other peoples by the liquor interests? What practical measures would you suggest?
5. In what ways, if at all, is our government affected, in its relations with other governments, by the passage of the Volstead Act? Cite specific instances which may have arisen in its relations with Great Britain, France, Germany, Cuba, China, etc.

CHAPTER V

CAN THE USE OF ALCOHOL BE JUSTIFIED?—FROM THE VIEWPOINT OF THE INDIVIDUAL

THE question here propounded is one that only men of science can answer. The writers of these lessons have therefore given over this space to Dr. Haven Emerson of New York as the best qualified person available for an authoritative statement of the case. To be sure, "doctors disagree," and they differ considerably on this question, but Doctor Emerson has been careful to keep within the limits of well-authenticated experience. Furthermore, he is so widely and favorably known as a physician, as a public health expert, and as a former health commissioner of New York City that his testimony is of the most convincing sort.

Why is it that in all our modern countries in this continent and Europe, physicians have been among the leaders in social action for the reduction or abolition of the use of alcoholic beverages?

1. Alcohol as a poison. The answer lies in their definition of the action of alcohol, which is that of a depressant habit-forming drug, that in its narcotic effects resembles closely ether and chloroform. It may also be properly defined as a protoplasmic poison, since when brought in contact with the living cell, the protoplasm or substance of the cell is damaged and shows a definite but variable injury and depreciation of its function according to the animal, or organ or tissues tested and the strength in which the alcohol is applied.

But, it may be asked, are not many of the drugs used in the treatment and cure of disease by physicians in reality poisons, even more dangerous and destructive of human tissue and function than is alcohol? Doubtless, and if alcohol were used only in instances of disease in which physicians believe it to be helpful, we should see no

more abuse from it than we do from the occasional use of arsenic, carbolic acid, or bichloride of mercury by ignorant or careless persons who dose themselves with medicine of all varieties or seek to commit suicide.

The effects of alcohol are, in general, the same as those of ether and chloroform, with this difference: that the narcotic condition finally developed takes much longer to produce and is more slowly recovered from than in the case of the more volatile anaesthetics.

Depressant drugs and narcotic drugs are valuable in the practice of medicine when wisely used, but whenever such drugs come into common use serious individual and social damage always results.

2. Is alcohol a stimulant? How is it that alcohol has been so widely considered a stimulant and has been so used not only by the laity but by physicians? By stimulation we mean increasing the force of effectiveness of bodily functions, but not necessarily all of them equally or to the same degree. An appearance of well-being can be brought about by depression, through the use of alcohol, or the sensation of fatigue and the sense of anxiety, worry or fear. Depression of overwrought mental and emotional states and relief from obstructive inhibitions which often seriously hamper the physical and chemical and motor functions of the body, may produce the effect of stimulation by releasing the body to function normally. For example, a man who is "all to pieces" as a result of nervous anxiety, may be toned up by administering a depressant to check the feverish activity of his mind. But the physician limits precisely the conditions of time, amount, and repetition of the dose of alcohol for medicinal uses, knowing that continued or unsuitable use will injure rather than restore bodily function. *Most physicians, however, have largely abandoned the use of alcohol as a medicine because better results are usually obtained without it.* For the past fifty years, in the great hospitals here and abroad, the use of alcohol per patient has steadily diminished and now amounts to but a very small fraction of that used even twenty-five years ago. In many of our best medical and surgical services in hospitals in the United States it is rarely used internally for medicinal purposes.

There is unanimity of medical opinion that the use of alcohol, as in whisky or brandy, does not increase the force or frequency of the heart action. Neither the tone nor strength of the muscles of the body or of the heart is improved by the use of alcohol. The common resort to alcohol by the laity in the emergencies of fainting, exhaustion, heart failure, drowning, acute indigestion, etc., is based upon ignorance of its physiological effects.

Better ways of meeting any of the emergencies of accident and disease are almost always to be found than by the use of alcohol. Complete rest, with the body flat and the head low, heat applied externally to the body and internally by hot water, hot sweetened tea or coffee, are safer and more effective measures in cases of collapse than the use of alcohol.

3. Is alcohol a food? Do not physicians consider alcohol a food, and, in fact, are not alcoholic beverages used for food in health and disease?

Alcohol in suitable amounts has been in the past, and to some extent is still used, to take the place of food substances in the treatment of some wasting acute fevers and in diabetes, but here, again, better ways of meeting each of these situations are well known and there is rarely a need for alcohol as a food. In so far as alcohol is burned in the human body as are fat and sugar, with the production of heat and energy, it can honestly be spoken of as serving the purpose of a food. However, it might also be said that sulphuric acid, if heated, will produce steam and give power for a locomotive but such a source of energy would be not only very costly, as compared with water, but destructive to the boiler tubes of the engine.

Alcoholic beverages are costly in all countries if measured by this so-called food value. Furthermore, nothing is obtained from alcohol which aids the growth or repair of tissues. As a food substitute it is of no benefit when muscular work is to be done. In the process of absorption and distribution in the body, alcohol irritates and damages the tissues of various organs in a way which the foods do not. If used for food purposes, alcohol can temporarily take the place in diluted form of not more than five hundred calories or heat units of carbohydrates or starchy foods, and

cannot take the place of fats or proteins (the meat stuffs) of our foods in any degree.

Honestly speaking, alcohol has no value as a food for the well; and if it were of value, it would prove an expensive and irritating form in which to take our nourishment, and could be used only to replace about one fifth to one sixth of our heat units, which are properly supplied by the starchy elements of our food, the cheapest foods we buy.

4. Alcohol and human energy. Has it not been generally claimed by people that they do better work, mental and physical, artistic and otherwise, when they have used alcohol moderately?

Science and experiment have been for years engaged in refuting and explaining this error in the opinion of the general lay public.

Up to the present time no form of test of physical exertion or of nervous or mental effort has been found which shows as good a performance when any, even the smallest amounts of alcohol have been used as when the person, tissue, or function tested has been under conditions free from alcohol. Apply the test as you will—to the distance, endurance, or speed of marching men; to athletes in competition, to the muscle of eye or hand, to acuteness of vision, to tenacity of memory, to accuracy of response to signals, to the taking of dictation, to the use of judgment or discrimination in psychological procedures—the result is the same. The use of alcohol, even in amounts too small to be recognized by the person concerned, consistently shows poorer performance. Whether performance is measured by quantity, quality, speed, accuracy or endurance, where alcohol is used there is always a lower level of service of body or brain or both.

5. Alcohol and moral sensibility. Whether the use of alcohol is harmful morally, depends chiefly upon one's definition of the term, but this much is true: that by the use of alcohol we to some extent abandon the use of those higher faculties which distinguish men from the brutes. The ability to refrain from unworthy or brutal acts is definitely reduced by the action of alcohol.

The first and most serious effect of alcohol upon human conduct is through its characteristic action in dulling the

cerebral and emotional capacities. This would seem commonly to result in a lower moral as well as intellectual tone or ability, at least temporarily, even from the use of such amounts as will cause no gross violation of propriety or public conduct.

6. The case against alcohol summed up. What relation has the general use of alcoholic beverages to present public health movements for the prevention of disease, the postponement of death, and the promotion of health? To answer this query, let us write down the actual record of alcohol. Wherever alcohol is used for beverage purposes there are many deaths due directly to its acute and chronic poisonous effects.

Much sickness due exclusively to alcohol occurs in all communities where alcoholic beverages are in general use, the more common of which affect the digestive system, the circulation, and the nervous system.

The likelihood of recovery from any disease is commonly reduced if the patient has been an habitual user of alcohol. This is particularly the case where the disease is one of infection, such as pneumonia, or the co-called blood poisoning, or surgical sepsis, or the result of physical violence such as fractures or other conditions requiring operation and the use of anæsthetics.

Habitual use of alcohol diminishes resistance to infection and makes it more difficult to protect the individual by artificial immunity, as against typhoid fever, cholera, or rabies.

Habitual use of alcohol by parents has been responsible for various disabilities of reproduction, such as physical and mental defects, constitutional inferiority and instability of the nervous system.

Habitual users of alcoholic beverages appear to be more susceptible to occupational poisoning by lead.

Habitual use of alcoholic beverages by workmen increases the occurrence of accidents and injuries in shops, factories, and public highways, increases the danger of infection of accidental wounds, delays recovery, and increases the likelihood of complications.

The acquisition of venereal diseases among men and women where alcoholic beverages are publicly sold, is more

likely than among abstainers, or where this aid to commercial prostitution is not available.

The use of alcohol tends to shorten the span of life in proportion to the amount consumed and the duration of the habit, with the result that where abstainers at the age of twenty can look forward to forty-five years more of life, the average moderate user of alcohol can expect only thirty-one years more of life.

The use of alcoholic beverages by the parents in a family reduces the likelihood of survival of babies in that family. This is due partly to physiological and partly to economic causes.

The use of alcoholic beverages among people of the wage-earning group tends to reduce their standard of living with respect to housing, clothing, and food, so that tuberculosis is more likely to develop, and when it does occur it it more likely to be fatal.

These are among the reasons why conservative medical opinion has been expressed in most countries as definitely opposed to the general and unrestricted use of beverage alcohol.

For Inquiry and Discussion

1. What part have physicians had in the awakening of recent years to the dangers in the beverage use of alcohol?
2. What distinctions are to be made between the beverage use and the medicinal use of alcohol?
3. How has the national prohibition law provided for the use of alcohol as a medicine? It has been charged that putting a limit upon the amount a physician can prescribe in a given time is a reflection upon physicians. Have subsequent events shown the justice or injustice of a limitation? How?
4. Why should an individual who wishes to do his part in helping his community inform himself as to the effects of alcohol on the individual and on society?

CHAPTER VI

CAN THE USE OF ALCOHOL BE JUSTIFIED?—FROM THE VIEWPOINT OF SOCIETY

An individual may feel fully justified in assuming for himself the risks of injury to himself that come from the use of so uncertain an article as intoxicating drink. This is one question that many feel it their privilege to answer for themselves. Faced by an impressive array of scientific facts about its usual consequences, they still feel that they themselves may be immune, or that the dangers are few in proportion to the pleasures to be obtained.

There are, to be sure, variations in the physical and mental make-up of individuals, in heredity and nationality, and in capacity for self-control that have much to do with deciding the question of indulgence so far as the individual alone is concerned. Undoubtedly, alcoholic drink is more injurious to certain types of people than to others. Several nationalities, on the surface at least, seem to have much greater tolerance for it than others. Some individual users are far more successful in keeping themselves down to very moderate amounts than are others.

But to the question, "Whose business is it but my own?" the answer is very different. The consequences to others of one's drinking, its family and community results, present quite a different problem. Whatever the opinion of an individual about the justifiability of his conduct, or however earnest his willingness to shoulder the unfortunate consequences, this drink question cannot be understood for a moment without a knowledge of the social results. Indeed, this is the outstanding phase of the whole subject. It is the one without which there would be no "liquor question," no "saloon issue," no "bootleg" controversy, no great national "prohibition movement."

1. The social aspects. What are the normal results of alcoholic drink in a community? What is it that happens when drink is openly available to all who seek it? What

are its natural, usual consequences on everyday living, on health, economic welfare, morals, and social standards? On the home, school, in politics, and on all that goes to make up healthful civilization? Whatever it may have been in the past, is drink a justifiable institution under modern conditions of life? What are the advantages and disadvantages that it brings? Can a man who enjoys the pleasures of drink pay all its costs and keep its consequences to himself? Who bears the major burdens of excess and degradation that reach out so widely into the life of a community?

These questions must be faced if we are to understand what the problem of drink really is. Information that will help to answer is coming from scientific investigation, everyday observation, industry, and the experiences of thousands of local communities and many States that have lived side by side, "wet" and "dry," for years. This larger social view of the problem only recently has been getting due attention, since prohibition experiments have turned public thought that way.

2. The drink tradition in society. The use of alcoholic drinks is not a new institution in human experience. It is very ancient, dating back to the childhood of the race. The attractions and dangers of alcoholic drinks have been known and written about for 5,000 years. Almost every savage tribe of history, ancient or modern, has discovered for itself some sort of intoxicant, encouraged the growth of customs about its use, and developed a "drink problem." The dangers and excesses have been especially severe among the peoples of Western Europe and their descendants today, wherever found throughout the world.

A drink tradition—that is, an assumption that drink is a natural and usual part of everyday life—has been a part of the social "atmosphere" into which, for ages past, children of "the Western nations" have been born and under which they have grown up. Its necessity, like that of slavery a few generations ago, has been taken for granted. Only recently, as measured by history, have large numbers of people begun to question seriously this ancient drink custom. Hence the assumption among many classes, today, who have not felt the educational effect of temperance

activities, that it is something of real value in the life of a people, is natural and easy.

The power of this tradition on childhood is well expressed by Jack London, when he says from his own experience: "Every interest of my developing life had drawn me to it. A newsboy on the streets, a sailor, a miner, a wanderer in far lands, always where men came together to exchange ideas, to laugh and boast and dare, to relax, to forget dull toil of tiresome nights and days, always they came together over alcohol."

This social atmosphere into which a child is born, next to his physical heredity, sets the bent of his life. Drink customs and ideals of parents and friends precondition children in their earliest years to a life inclination toward alcohol. Never heretofore has there been wide opportunity to know what freedom from a drink atmosphere could be. To many there can be no such thing as "personal liberty," they are born victims of the alcoholic tradition!

But how about it? What place has drink in modern society? This practical age says that on its merits it should stand or fall. What are those merits and demerits?

3. The auto age. Along with the development of the movement for prohibition in the United States a new age of everyday living has come to this country. It might be called the age of quick transit and communication, of increased connection of people with people, of greater dependence of every man, every family, and every community on the conduct and welfare of other men, families and communities. It is a time when a new discovery spreads quickly to the aid of all people, when a new custom or a disease or a criminal practice is communicated rapidly from one community to another. It is a time when clear brains, keen thinking, and dependable action are at a premium. If ever alcohol in everyday use by millions of people was a matter to be questioned, it is doubly and trebly so to-day, in "the day of the auto," of fast machinery and complex living.

Under such conditions the general use of alcohol which, even in moderate quantities, causes the eye to misjudge, the brain to act more slowly, and the nerves to be unsteady, has become, more than ever, a social menace. General op-

portunities to drink, such as open sale in saloon or dispensary, almost certainly would prove intolerable. Wide use as it existed ten years ago would be much more dangerous to-day. As Henry Ford said: "Booze had to go out when modern industry and the motor car came in. Only on one condition can the nation safely let it come back. That is, if we are willing to abolish modern industry and the motor car." The president of another great auto company says: "The return of public drinking places would make the motor car a menace to the highway. It would stop the sale, to a large extent, of the cheaper cars, as the money would be spent over the bar as in the old days, and the family would go without a car."

4. The increasing use of machinery. This is reducing the drudgery of millions. It is saving time for pleasure and bringing increased wages because of higher skill and better self-control. Professor Reitell, University of Pittsburgh, speaking from the heart of that great industrial center, expresses in terms of machinery the forces now calling for the banishment of alcohol from all modern life, when he says:

> Human life, costly machinery, and continuous industrial operation, all are at stake when muddled alcoholic brains operate machinery. Civilization, having developed high-powered, costly machines, is seeing to it that clear-headed men are employed in the operation of such machines. Sobriety appears as an economic necessity. Viewing the question from this angle we find alcoholism less an ethical issue and more an economic one. Complex machines and befuddled brains cannot work together, and much of this present-day prohibition is but an aftermath of the economic pressure that the industrial world has put forth in order to protect workers, machines, and production from the ravages of men under the influence of alcohol.
>
> Alcoholic drink attacks the most important asset the present-day worker must have if he is to function in machine industry, namely, nervous energy and an active brain. A mistake may mean the death of several workers, a smashed furnace, a broken machine, and seriously interrupted production. With this increased socialization of danger, brought in by machinery, what attitude is to be expected from employers and the public regarding the consumption of alcohol? The answer is clear—the use of alcohol must go. John Barleycorn has been caught in the fast revolving machinery of American industry. There is no hope for him.[1]

[1]Charles Reitell, "Man, Machinery and Drink," Annals American Academy, September, 1923.

5. Its effects on society. But the consequences of drink in society are more fundamental than even its interference in modern industry and with highly organized ways of living. Drink would be condemned by enlightened opinion to-day even if there had been no twentieth-century speeding up. It conflicts with healthy living at too many points to be permitted to remain, now that science and experience have made its real action better known. Some of these points of conflict are:

(1) The use of intoxicants in a community tends to depress the living standards of that community. It reduces earning power, keeps down purchasing power, and diverts expenditure from recreations and necessities that make life happier and more efficient to those that make it less so. At the same time it makes it more difficult for all who need higher wages to unite in order to secure them.

(2) Alcohol provides a sense of relief, but in an unnatural and harmful way. The chief claim for it has been that it relieves men from care, the sense of drudgery, toil, fear, and suffering. Such relief is a real human need; it should be satisfied in ways that bring change, rest, and recreation. Play is now known to be as essential as sleep, food, and creative work. Alcohol promises relief and rest, yet makes the body less fit for exertion; it furnishes momentary emotional relief and a sense of freedom, but follows it with new burdens of oppression and sorrow. Its chief character is to create delusions. From the first exhilaration and heightened sense of self-appreciation of the partially intoxicated, to the extreme degree of drunken delirium, all is one web of false impressions—of conditions as they are not, of measuring up self and one's surroundings in false lights. This effect of alcohol is universal. There may be occasions when men are warranted in putting themselves into such a state of delusion, but it is not for organized society to promote such conditions by permitting the establishment of great commercial enterprises to narcotize people into artificial rest and recreation.

(3) It interferes with public health. Drink is both a direct and an indirect source of sickness, mental and physical. The action of alcohol in the body, as pointed out in the previous chapter, makes it a total liability. What is

physiologically injurious can be nothing other than a social menace. Alcohol is destructive of the living conditions on which health and happiness depend. The facts coming from insurance companies and their death-rate tables, the testimony of doctors, social workers, and scientists, bear heavy proof of this. Since the adoption of prohibition social workers quite generally have said that health conditions are improved.

(4) The imperative economic demand. The liquor trade, based largely on an unnatural and artificially created desire, tends to stimulate excess and to make itself a social menace. It is not like other kinds of business. For many years the Supreme Court of the United States has recognized the difficulty of controlling and regulating it, and has set it aside, in repeated decisions, in a class of business by itself. The social meaning of this is far-reaching. The economic power of the traffic in pre-prohibition days, and of the illegal traffic to-day, lies not only in the ordinary call for what it has to sell; it lies even more in *the imperative* character and persistency of this market. When once the drink desire is established, it tends to create an increasing demand; with repeated gratification this demand tends to become abnormally imperative. Other needs, other desires, both of the individual and of the family, become secondary; drink needs come first. The competition of the drink craving with the needs of the drinker for food, for clothes, for a home and its furnishings, with the needs of his family for schooling, has produced heart-breaking stories in all countries. The community phase of the same situation is that these drink-needs out-compete the grocer, the furniture man, the dentist and the home-builder. The business world loses its most valuable asset, the consumption of a mass of everyday commodities that a great number of drinkers' families cannot buy. The liquor "business" is the source of large and easily made profits, whether operating as a legal business or as outlawed "bootleg" industry. It is now, as it long has been, the economic phase of the liquor problem that causes most trouble and is hardest to deal with in attempts to cure the ravages of drink.

Describing the traffic as it existed previous to the adop-

tion of prohibition, Professor E. A. Ross, of the University of Wisconsin, says:

> It became a "big business" intent on profits—always more profits. It no longer pleaded humbly for leave to assuage existing thirsts. In order to promote business it deliberately and methodically set itself to create new thirsts. . . . As production and distribution were centralized, the business grew more capitalistic and the saloon keeper came to be the brewer's man, systematic efforts were made to "shove" liquor, especially beer. . . . Continually they plotted to tempt the public into a larger consumption. Their ambition seemed to be to convert the rising generation into peripatetic tanks.

From the viewpoint of social welfare the use of drink, whether sold by saloon, dispensary, government warehouse, "bootlegger" or "rum-runner," is an anachronism under modern conditions of life.

Shall not those who seem to suffer less, personally, from its use be willing to give it up for the welfare of the community? Are they not, indeed, a part of that community —a part that will benefit with others when its burdens are removed? Shall those who do not drink be compelled to help carry the public burdens caused by those who do?

For Inquiry and Discussion

1. Has society a right to interfere with the personal freedom of the individual, when in the exercise of that freedom, serious physical injury to the individual may result? If so upon what grounds?

2. If, for the sake of argument, it were admitted that individuals have the right to indulge in habits that are injurious to themselves, would there still be justification for prohibition, on social grounds?

3. Make a list of reasons, if possible from experience in your own community, why prohibition is justifiable.

4. If, all things considered, the law seems an unwarranted invasion of personal liberty, list your reasons for this conviction.

5. How, if at all, is the question of prohibition related to the problem of public safety and public health in your own community? in the country at large?

6. How is this relation recognized, quite apart from the prohibition legislation, in State laws and local ordinances?

7. Make a list of the State laws or city ordinances you can think of which limit the liberty of the individual for social reasons. In what respect are they like or unlike the prohibition of the liquor traffic?

8. Has society the right to protect itself against the social consequences of the liquor traffic?

CHAPTER VII

LIQUOR AND OTHER SOCIAL EVILS

The liquor traffic is connected with most of the other social dangers and parasitic industries that prey on society. Among these are the traffic in narcotic drugs, prostitution, gambling, and political corruption and bribery. With these the saloon, in pre-prohibition days, and the illicit dealer and many "booze" purchasers, to-day, are naturally associated. Alike they offer appeals to intemperate, abnormal or depraved human tendencies, encourage and promote these tendencies for commercial purposes, stimulate the formation of such habits in the ignorant and self-centered, seek to extend the market for these "goods" and degrade politics and public service to obtain "protection" against law and its orderly operation.

1. Drugs, a parallel danger. It is sometimes said, especially in foreign countries, that the adoption of prohibition of liquors in the United States has led to an increase in the use of other habit-forming drugs and more intense narcotics. Is this true? What effect, if any, has the banishment of the saloon had on "dope" using? What is the relation between liquor and other well-known habit-forming drugs?

The use of drugs in this country is and has been very serious. It is one of the great sources of crime, as the victim is capable of any deed in order to get money to buy a supply. The distribution and sale, apart from medical purposes, is almost wholly prohibited and illegal but much is imported illegally and "bootlegged" to users and prospectives. But it seems clear that, with the aid of recent legislation and popular education, the use of narcotics has begun to decrease. Some of the indications of this are as follows:

Experienced investigators, writing for the United States Public Health Service, in May, 1924, reach the conclusion that "since 1900 the number of drug addicts has steadily

decreased. The greater number of addicts in prison at present as compared with former years is due to the rigid enforcement of recently enacted laws and not to an increase in the prevalence of addiction."[1]

"In the city of New York," says the commissioner in charge of the narcotic division of the police department, "narcotism has decidedly decreased during the past three years, evidenced by the fact that a beginner is now rarely found among the addicts. "Since prohibition drug-taking has not increased," says Doctor Lambert, of Bellevue Hospital, New York. He explains, "These subjects necessarily run parallel, but do not necessarily interlock." "The boozers have essentially been in the older class. Dope fiends almost universally are in the younger class." "I doubt very much that addiction has increased as a result of prohibition" is the statement of Doctor Bundeson, health commissioner of Chicago. And the *Scientific Temperance Journal,* though its editor, Cora Frances Stoddard, after wide investigation in 1920, again in 1923, and with the data renewed and brought down to 1926 by the addition of all available material, comes to the clear-cut conclusion that the use of narcotics has not at all increased in the United States since the adoption of prohibition, but that, on the contrary, it is decreasing throughout the country.

Enactment and enforcement of narcotic drug laws at times has increased temporarily the number of known drug users, as it brings them to notice. But this does not represent a genuine increase in the number of addicts. This happened in 1919, when new legislation greatly restricting the distribution of these drugs went into effect. At the time this was announced to the world as an unfortunate outcome of liquor prohibition, whereas it was related only to vigorous new efforts to learn the extent of "doping" already in existence and to reduce it for the future. Enforcement tended to make drug addiction for a time more conspicuous, as enforcement of prohibition laws makes a drunkard on the streets more conspicuous, bringing to attention many that were not noticed before.

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[1]Kolb and Du Mez, "The Prevalence and Trend of Drug Addiction in the United States and Factors Influencing It." United States Public Health Reports, May 25, 1924.

Drink and narcotics are parallel problems. Their victims start through social influence, a spirit of adventure, ignorance of ultimate effects, and unfortunate or abnormal living conditions. They are continued and developed to excess through the pleasure of "the kick." The one group acts more quickly, is more intense and gains a greater strangle-hold on its victims; the other, more slowly, not quite so universally among its users, but often with ultimate consequences no less degrading. Neither is based on an inherent human need, that cannot be satisfied in a more healthful way without its use. Both unnatural "craves" are intensely profitable commercially to those who seek profits out of such sources.

2. Prostitution, cause and effect. The connection between drink and sex immorality, especially between liquor and prostitution, is much more direct than it is with the causes and practice of narcotic drug-taking. At many points, in this complex problem of society, ancient and modern, in America and all countries, alcoholic drink crosses and recrosses its path of danger and corruption. Everywhere they are associated, especially when prostitution becomes a public institution and is commercialized.

Neither may be the primary cause of the other, but each is a serious contributing cause of the other. Alcohol deadens the higher brain centers and removes the normal restraints that guide healthful relations in society, such as regard for the opinions of others, moral ideals, and self-control. As James the psychologist said, "The reason for craving alcohol is that it is an anæsthetic, even in moderate quantities. It obliterates a part of the field of consciousness." Ever since its discovery it has been used as a short-cut route to short-lived happiness.

The normal growth of sex passions and their culmination in marriage and happy family life are the ideals alike of society and science. When this development is "short-circuited" by drink—whether at the legal bar of past years, in a café, or a back room of a saloon, or from a pocket flask at a dance or with an auto "petting party"—the control of the most self-respecting is put to an unusual and unnecessary strain. It is the drink, whatever its form or wherever procured, that so often starts a train of events

that for many leads to a life of shame and failure—of vice and prostitution for men as well as women.

On the public side this perverted institution seems to depend on and flourish in an alcoholic atmosphere. Drink is a necessary part of the life of the brothel; its numbing effect seems necessary to enable the inmates to stay there. Its sale is a source of immense profit to the keeper. The saloon in great cities, in the pre-prohibition days, had its questionable "ladies' sitting room" in the rear or its unquestioned upper room. The statistics of social workers and investigators for years have been full to the limit with evidence of the many connections between drink and this great social problem. An illustration from another country in which use of drink is often said to be so moderate as to cause little social trouble, may help to show the world-wide effect of drink in starting young men and women in this abnormal direction. Professor Heim of the University of Tubingen, Germany, writing of a judge in his own country, says:

"Bonne, who for fifteen years heard the trials of fallen girls, said that in all these years when the girls were asked how they came to take the foolish step, nearly always the answer was, 'If I had not had a glass or two of beer, it would not have happened.' He relates, further, that when he was a young student he was told by the older and more experienced upperclassmen a very simple method of seducing young girls. On the dance floors a glass of beer or of 'Wine-grog' was sufficient. If not, then an order to 'galasch' with one or two glasses of heavy wine. . . . In these matters the men also deadened their conscience with alcohol. It is usually after 'Kommers' and drink-fests that brothels are visited. That explains why the liquor interests and the brothel interests so often work together." (From Die Alkoholfrage, November, 1925, *Scientific Temperance Journal,* Spring, 1926.)

3. Gambling. Gambling is a parasitic business growing out of that unfortunate twist in the acquisitive impulse that causes men to seek to get something for nothing. The desire for gain normally carries with it the obligation of a more or less equal exchange of values. But the gambler, both victim and would-be victim, seeks the impossible, to

get something for nothing at the expense of the other fellow.

In such an enterprise drink, for ages, has played a part—chiefly the part of putting one side to the gamble "off guard" so the other may succeed more readily in his undertaking. Drink and gambling have always gone together, although there is much gambling entirely separated from drink. The saloon and the gambling house of pioneer days were notorious—inevitably connected, wherever wild, anti-social order-defying characters congregated. The same has been true of vicious sections of great cities and small-town saloon and loafing places. But in it all one character has been sober or at least less drunk than the other; cautiously, intentionally, shrewdly sober—that his wits might best function to deceive and outwit the other. The place of drink in gambling is to put the aspirant after "something for nothing" off his guard and at the mercy of the professional who knows what he wants and how to go after it.

As Professor Barker, of Boston, said, writing in 1925: "The saloons that attract most men are those that harbor gambling and shelter prostitution. The saloons with concert halls, where so many men and women are allured to drink and dance, have their walls decorated with suggestive and indecent pictures, and one hears songs of the most revolting character. The moral effect on men, women, boys, and girls who frequent these resorts is anything but wholesome."

4. Its hand in vicious politics. Political life in the United States is in a diseased condition. There are many causes for this, but among those that go farthest back in the history of the country none have been more corrupt than those associated with the liquor traffic. For a half century or more it used every possible means, legal and illegal, to gain power in government, control the vote, and gain political advantage for itself.

When police commissioner of New York, many years ago, Theodore Roosevelt revealed the methods of the saloon in politics, when he said:

> Naturally, the saloon-keeper has stood high among professional politicians, who have been so prominent in New York politics for

many decades. More than half of the political leaders of Tammany Hall have at one time or another themselves been in the liquor business. The saloon forms the natural club and meeting place for the ward leaders and "heelers"—so much so that the bar-room politician has become a recognized factor in local political government. The saloon-keepers are always hand-in-glove with the professional politicians.

"From 1870 to 1890 two thirds of the voters of New York City," says an investigator of 1908, "were Irish and German peasants and their sons, persons who had never before been under a free government. The chief social centers of these people were liquor saloons; and the owners of these saloons, who handled the votes, first for American manipulators and political criminals like Tweed, and later for themselves, delivered them in mass." (Turner, "Tammany Control of New York," *McClure's,* pp. 109, 110.) In Chicago and other cities the situation was similar.

Just before national prohibition there were over 175,000 saloons in the United States. They had become very class-conscious, strongly organized and united against every restriction; they had built up a group of voters, connected with each saloon, that could be counted upon to vote as the most vicious interests of the community desired. This group included those naturally connected with saloons because they wanted drink or wanted to sell drink, but also, much more serious, a large number of those so debauched by drink and poverty, or so ignorant, as to be ready to follow the saloon politician and his brewery owner for a drink or a dollar. This gave "the trade" of the country, at that time, a definite manageable and salable vote of millions. Such voters, drugged with alcohol to such an extent that public welfare and morals were but words, and led by saloon politicians, were a serious menace in every election. Whatever purchasable vote there might be in a city was sure to be within reach of the saloon.

Many vicious political practices that originated or gained their first wide use in saloon politics are active in other ways to-day. The direct purchase of votes, the herding of drink-dependent voters, the trading of such controlled masses for any grafting interest that needs them, the domination of recent immigrant groups—none of this is so bald and extensive as it was years ago, when cities

were crowded with legalized saloons as vote centers. But corruption of voters, near-approach to bribery, and excessive expenditure of money in primary election campaigns, and appeal to ignorance and prejudice, are still serious. However critical these may be at times, the fact should not be overlooked that the organized liquor traffic was one of the first great promoters of the most vicious politics that ever existed in this country.

For Inquiry and Discussion

1. What do you find, from your own investigations, as to the relation of the drinking of alcoholic beverages and of the saloon to other social evils? How were they fostered by the saloon? Have they been affected by prohibition?
2. What effect, if any, has prohibition had on the general moral tone of your community?
3. How has prohibition affected politics in your community?
4. What does the evidence indicate regarding the advantages or disadvantages of prohibition as a permanent policy?

CHAPTER VIII

PROHIBITION AND RESPECT FOR LAW

One of the commonest charges against the prohibition regime is that it has undermined respect for law. The term "respect for law" may be variously defined but can be most effectively measured in terms of observance of law. To what extent, then, is it true that prohibition has undermined the spirit of law observance? And if this is true, is it significant? Prohibitionists frequently maintain that not prohibition but the disregard of it by its opponents has undermined respect for law and government. Whether or not this is a correct view, it is evident that we are here dealing with one of the major phases of the prohibition question.

1. Is lawlessness actually on the increase? Before undertaking to answer the questions, Who did it? or What did it? it is certainly in order to inquire whether it has happened at all. We have already had occasion to note that popular notions with reference to the increase in crime are in general unfounded in fact. Is it possible that the present widespread concern over diminished respect for law is the product of anxiety or of the will to discredit a particular law, and is not based upon fact?

Curiously enough, this argument with reference to prohibition is used by both sides. But whereas the anti-prohibitionist says that the enactment of a drastic law has caused a collapse of popular respect for law and government, friends of prohibition see the stability of democratic government assailed and imperiled to an unprecedented degree by flagrant violations of the Volstead Act. The dual nature of the accusation makes it doubly important that it be appraised. The facts seem to be in general as follows:

It is often remarked that respect for law as such has never been an American virtue. The measure of truth in the charge arises in part from the fact that we do not have a common inheritance of one legal system and a com-

mon tradition of loyalty to it. Forty-eight state legislatures enact a large, unwieldy, and often conflicting mass of laws each session. It has been easy to avoid laws by crossing state lines. Old laws nullified and disregarded stand unrepealed on the statute books of many states. Lack of veneration for law as such is probably due also to our dual system of government, federal and state, and the co-existence in the country through practically all its history of two contrary doctrines with reference to federal power and states rights.

Then, too, a cynicism toward law may spring from our disdain for politics and the fact that our lawmakers are not always chosen from among our most able or highly respected citizens. The stream of legislation can scarcely rise above its source. Not less important than these factors is the persistence of a pioneering tradition in America. In comparatively recent times most of our country has been in its turn a frontier where each man might be a law unto himself.

Most serious of all, probably, in the effect upon America's attitude toward law is the heterogeneous character of our population which has made the processes of socialization much slower than they would otherwise have been.

Nothing of this is particularly new. If we are lawless, we have not become lawless recently. It is rather a more or less permanent trait which will yield only to continuous moral and educational treatment.

2. Upon what does respect for law depend? But it is a mistake to suppose that a person's general attitude toward law or government is based upon his feeling with respect to a particular statute. We make up our minds with reference to the claims of any particular law on the basis of its merits. The same people who obey conscientiously a given law may be quite indifferent with reference to another which does not, to their minds, have the same moral sanction. It is very difficult to secure respectful observance of any law or ordinance which is commonly regarded as either a "fool" law or an unjust law, for it is fairly generally recognized that democracy presupposes continual intelligent criticism of the law on the part of all citizens. The wise citizen knows that political progress involves a great

deal of experimentation in social legislation. To him there is nothing sacrosanct about a law as such; he respects a law in so far as it is the written expression of an accepted standard of living. He believes the statute itself less worthy of respect than the principle it involves.

He may hold, for instance, one of several attitudes toward a new law; (1) approve it; (2) suspend judgment concerning its merits; (3) disapprove it and perhaps work to repeal it. He may obey the law even though he disapproves of it, pending its popular acceptance or rejection. But he will not hold the law in esteem or protest at its nonenforcement unless he believes in it. Respect for the prohibition or any other law can be secured only by convincing the public of its merit.

3. Importance of respect for government. It does not follow, however, that we can afford to allow our people to develop an habitual attitude of distrust or disrespect for constituted government. While respect for law is a matter of one's attitude toward particular statutes, respect for government is of a somewhat different nature, because the same government continues for years at a time and enacts volumes of statutes. We have been witnessing in recent years a growing agitation against the centralization of power in the federal government on the avowed theory that it commonly undertakes to exercise more authority than it should and that it interferes with the normal processes of life more than it helps them. During the recent campaign on the Child Labor Amendment to the Constitution a studied effort was made on the part of the thoroughly conservative elements of the community, particularly among business interests, to discredit the federal government and to make it appear unworthy of any greater grant of power. This may have been merely another evidence of the political swing toward conservatism manifested during recent years. In some of our States a high degree of respect for the state government goes hand in hand with a considerable disrespect for a federal government. Undoubtedly, any law that is allowed to fall into disrepute may make an administration so unpopular that it can scarcely command support for what it does thereafter.

This makes it important that when a good law suffers

from unpopularity no time shall be lost in securing for it the greatest possible measure of social sanction. It is folly to suppose that there is any other endurable alternative in such a situation than to make the law popular and secure obedience to it on one hand or to repeal on the other. Hence we come again to the same point: that the difficulties of prohibition are not to be met by threatening or denouncing those who do not conform to it but by making available to them information which will help them to understand the constructive object of the law.

4. The lawlessness of youth. Perhaps no criticism of the prohibition regime is more common than that it has greatly increased lawlessness and drinking among young people. As to the alleged increase in drinking, no absolutely comprehensive reply is possible, but the results of surveys made within the past four years show a short post-war increase in drinking among young people, followed by a distinct and continued decrease. It is altogether probable that there is now only a fraction of the drinking among college students that there was before prohibition.

Regarding the charge of lawlessness: young people are doing many things their parents and grandparents never did—at least not openly. It does not follow that these new activities are due to prohibition, for some of the very manners and customs attributed to prohibition in the United States appear also in young people of countries where there is no prohibition law. The increased use of automobiles might have popularized the hip flask had there been no prohibition law. To accuse the prohibition regime of having produced lawlessness among the young is to make a superficial judgment and probably a highly inaccurate one. In any case it must be remembered that if some young people are violating the prohibition law, multitudes of others are not only observing it but are removed from the evil effects of the organized liquor traffic which in the old days was a commonplace in the experience of every boy and girl save those who lived in the open country.

Nevertheless, it is probably at this point that the much repeated charge against prohibition has its chief force. Let us not try to evade it. If it is true, as we have said, that

the attitude of adult citizens toward law is based on their experience of particular laws, it is equally true that young people who are just beginning to form political ideas and habits may have their notions of law and obedience poisoned by a contemptuous attitude on the part of their elders toward a particular law which so largely furnishes the subject of common conversation. There is no use in denying that in communities where such a condition obtains the possibilities of useful citizenship on the part of the young are permanently limited by it.

To anyone, however, who believes in prohibition, this furnishes an added reason for coming to grips educationally with the problems which it presents. In any case, the problem of youthful lawlessness is a problem by itself and the part played by liquor drinking in this connection is probably only incidental.

The answer, then, to the questions asked at the beginning of the chapter seems to be this: If it is true, as already stated, that the popular notion of an increase in crime is, in general, not founded in fact, then, of course, disobedience to the prohibition law has not increased lawlessness. Dislike of the prohibition law is not of itself sufficient to undermine respect for government. Disobedience of the prohibition law need not connote lack of observance of all law, although it opens the way to it.

5. The habit of deliberate obedience. Finally, there can be no wholesome political life unless the public is ready to give any law which the governments enact the benefit of the doubt and to discount all private views and even convictions until the measure in question can be fairly appraised and tested. It does no violence to conscience or to the rights of citizenship to give the majority the benefit of a doubt and to assume tentatively that one may be wrong even in a matter upon which he feels certain. We do not want in a democracy slavish obedience to law, but we do need the habit of conformity in the interest of intelligent, concerted social action. Majority government is the only rational expedient for regulating conduct in a highly organized community, and, save where the majority may be involved in an immoral action, the attitude of conformity is the most constructive attitude. In any case the in-

dividua. owes obedience to the law until it can be changed by the same process by which it was passed.

Prohibition has admittedly brought this issue into sharp relief. It was a heroic and drastic piece of legislation because in many of our large cities it interfered with certain acts which a large part of the people approved of, were in the habit of doing and possessed all the facilities for continuing to do. Such communities, however, represent only a part of the population and it is the whole country that we are dealing with. Yet continued violation of the prohibition law by these communities or by individuals is not only a source of social evil but involves fundamental questions of orderly self-government larger than the one question of prohibition.

The practical alternatives that face the nation as a whole we must deal with later.

For Inquiry and Discussion

1. What is the attitude of the people you know toward obedience to law? What are their reasons for obedience or disobedience?

2. What responsibility have you for the welfare of the community in which you live? Cite instances of laws designed to promote that welfare. Which ones resemble laws prohibiting the liquor traffic? How do individual attitudes toward such laws react on the community life?

3. If it could be proved that violation of the prohibition law is one of several or many conditions which make for lawlessness, just what would be the bearing of this conclusion upon the problem of local enforcement?

CHAPTER IX

IS PROHIBITION RIGHT OR WRONG?

GRANTING that prohibition produces socially desirable results, may it still be questionable in principle? Some contend that it is possible forcibly to control a man's life to his physical advantage and yet to work him a political and moral injustice. Is this a valid contention? In other words, what shall we say of the issue of personal liberty? There are many persons who are willing to admit the objective benefits of prohibition but who insist that no such concrete results can atone for the wrong that is done through an unjustifiable exercise of political force. Is there any merit in this contention?

1. Is the personal liberty issue a valid one? It would be easy to dispose of this whole question by appeal to the principle of majority government—to insist that personal liberty vanishes of necessity when the collective will expresses itself. But is not this too simple a solution of a problem which persistently confronts the social reformer? The fact is that one of the most difficult questions that arise in a democracy is the proper distinction between the right of the State and the right of the individual. And democratic progress is measured very largely by the extension of liberty to the individual citizen. To understand the importance of civil liberty one needs only to visit some of our great industrial centers in a time of labor controversy when the constitutional guarantee of the right of assembly and free discussion is frequently set at naught. The issue of personal liberty cannot be put lightly aside. It is a real issue. Moreover, this personal liberty argument, far from being fatal to prohibitory legislation, may become a support to it. At all events it must be treated with dignity and seriousness.

2. How is personal liberty defined? There are sincere and earnest individualists who believe that a line can be drawn quite sharply between the proper sphere of state

action and the sphere of unrestricted private action. All such reasoning, however, seems to overlook the fact that progress in government is very largely a matter of progressive experimenting in drawing the line between the rights of the individual and the rights of the group. It is difficult to see how anyone can consistently maintain that the individual has a given quantity of inalienable *rights*. Certainly, the exercise of individual rights is continually conditioned by social surroundings. Under conditions existing in times past, men would have regarded it as an outrageous encroachment upon a natural right to have been prohibited by law from having more than one wife at a time. Yet to-day few question the desirability of that prohibition. Compliance with the sanitary laws causes inconvenience and expense to many, but society unhesitatingly abridges personal liberty by maintaining such laws for its own protection.

But to reduce the personal liberty issue to an absurdity by analogy is to sidestep the task of definition. The assumption that a large measure of social control is often justified on the ground that personal liberty leaves off where the rights of the majority begin, is, of course, inadequate. The majority may abuse its power; it *can* and often *does* do wrong. Some of the rankest injustices are done in time of war or of industrial strife with majority sanction. Shall we not, rather, say that only those individual "rights" are valid and inviolable which can be exercised in the direction of the greatest social good? This is not equivalent to saying that the majority may at any time take away the right or liberty of the individual but, rather, that if a so-called right is in its nature subversive of the social good, it was never a moral right at all. One may well contend, with Jefferson, that the best government is that which governs least, but this is merely equivalent to saying that, ideally, necessary restrictions should be imposed by the individual upon himself. Until these inhibitions are learned, the law, as Saint Paul says, "is our schoolmaster."

John Stuart Mill, in his essay "On Liberty," defends the concept of individual freedom not merely on the basis of an inherent or inalienable right arising out of private, individual interests but, rather, on the basis of the total

collective good which can be realized only when individuals exercise a large degree of liberty. If we accept this principle, our quarrel is not with personal liberty as such, but with those who define it in such a way as to make it consistent with collective evil. From this point of view no real harm can result from the curtailment of individual liberty if such curtailment results in substantial benefits to the community *including the individual himself.*

It will doubtless be said by the individualist that this is a false and dangerous argument; that it would easily justify many an outrage upon an individual, and even his annihilation, on the ground that his interest and those of the community as a whole were in conflict. This, however, is not the point, which is, rather, that no permanent moral values in the life of the individual are destroyed by prohibiting an act on his part which would have, directly or indirectly, injurious consequences to others. Even were it admitted that alcohol has social value as a beverage, what concrete gain can come to an individual by partaking of intoxicating liquors that is at all comparable to the good that would accrue to him and to his fellows through co-operation with them in destroying a great social evil? There have been, it is true, times when the greatest social good was realized through the independent, even rebellious, conduct of the individual. It is thus that some political revolutions have been born and religious reformations realized. But such liberty of self-assertion finds its ultimate reality in the larger liberty to serve the community of which the individual is a part. Self-discipline is indispensable to spiritual liberation.

3. Is it criminal to drink? Some difficulty found with the prohibition law grows out of the idea that it prohibits drinking and so puts drinking into the class of criminal practices. This is, of course, not strictly true, since *drinking* is not prohibited by the law; it is the *liquor traffic* that is prohibited. An exact analogy is to be found in the pure food laws; in legislation prohibiting the traffic for instance, in unclean milk or tainted meat. Nevertheless, in effect, the law prohibiting the liquor traffic does interfere with drinking and was intended to, in order to get rid of the social ills resulting in a large number of cases

from the use of alcoholic liquor. But this interference with drinking finds its justification in the fact that in a highly organized society it is quite as necessary to prohibit acts which are wrong only because of their deleterious social consequences as it is to prohibit acts that are wrong in themselves. To make the wrong turn at the corner in your automobile is in itself an exceedingly harmless thing, but considering the traffic consequences that may result to your neighbor as well as to yourself it may well be deemed to merit a term in jail. This is the price one pays for living in an organized society. The average person prefers to accept the limitations in order to be in the game, and he feels that in the long run he is the gainer thereby.

4. Can people be made good by law? Here is another characteristic poser that is often flung in the face of those who believe in social reform. The answer is, No, of course not. But the law can make it easier for people to be good just as, on the other hand, they can be encouraged in immoral and injurious practices by a legal system. One of the commonest experiences in the days of the licensed liquor traffic was to find men engaged in it, and frequently in a lawless way, who by temperament and training were fit for a vastly worthier career. They had been debauched by an anti-social system. "I ask for only another year of it," a fine-looking, clean-cut young man said to one of the writers in the midst of a "local option" battle many years ago. He was not blind to the iniquity of his business but the profits overwhelmed his conscience. Otherwise he might have found his way into conspicuous public service. Destruction of the system in which he was enmeshed might have opened the way to the redirection of his life. Moreover, the person who asks whether men can be made temperate by a prohibition law forgets that the liquor traffic in a civilized country is a creature of regulatory law in any case. All license laws with reference to alcohol have prohibitory features. The question that we face is not, therefore, whether we shall have prohibition or not but, rather, how much prohibition shall we have, and the answer, dictated by long experience, seems to be partial prohibition; that is, regulation and control, when dealing with a traffic

that is socially useful but menacing in its potential extent, and complete prohibition when the traffic in question is one hundred per cent on the debit side of the social ledger.

No sane person holds that law alone can induce morality, but the person who appeals to this argument in his opposition to prohibition overlooks the very essence of constructive social progress, which is that evils are eradicated and good purposes liberated in the world not only by the perfection of the personal life but also by the collective effort of society to build up social supports for what is good and social obstructions to what is bad. Society promotes morality, in other words, by making it just as easy as possible for men to do right and just as hard as possible for them to do wrong. This is the ultimate end of law and government.

The liquor traffic illustrates better perhaps than any other social problem the necessity of working both upon the individual and upon society as a whole in order to secure permanent moral betterment. For generations the battle against alcohol was carried on by means of education and moral suasion directed toward keeping the man away from the liquor; for seventy-five years we have also been in the social phase of that battle, the effort to keep the liquor away from the man. This double aspect is characteristic of all organized effort at human betterment. Neither phase is complete, nor is either adequate without the other.

5. Whose liberty is worth most? But whatever may be said in behalf of the individual who feels outraged because the prohibition law leaves nothing to his discretion but takes his liquor entirely away, it should be remembered that the main purpose of the law is not to save a man from himself but to protect innocent people from the consequences of his indulgence. Those who question whether such an infringement of liberty is right should consider the claim of children to protection against an alcoholic inheritance. We no longer credit the tales of inherited appetite, but we know definitely that alcoholism is transmitted in the form of a neurotic inheritance that destroys the right of children, before they are born, to life, liberty, and the pursuit of happiness; and those who escape the

physical inheritance may forfeit health and education because of a wasted family income. When the argument for personal liberty is advanced a thoughtful person is constrained to ask, "Whose liberty?" So long as protective legislation against accident or violence is recognized as right, how can we question the right and duty of government to protect its citizens against the ravages of a devastating poison?

Our answer then to the personal liberty argument is just this: Personal liberty is a priceless possession; it must never be overridden or abused. But it can sustain itself as an individual right against the assertion of the social will only when it represents in itself a social value to which the majority is temporarily blind. A "right" which consists in enthroning individual ends which are inconsistent with human welfare is not conceived in liberty but is baseborn and doomed to be shortlived. Therefore if in actual experience prohibition is found to be an effectual means of annihilating the evils of the liquor traffic, there can be no valid basis for declaring that it is anything but justifiable and right.

For Inquiry and Discussion

1. Can you give instances, from history, of laws which if observed would compel people to do what is in itself wrong?
2. How would you define "liberty"?
3. Are laws for the purpose of making people "good"? What purposes do they serve?

CHAPTER X

PUBLIC OPINION: GROWING OR WANING?

THERE are many cross-currents and return flows in the broad general drift of public opinion. Often it is difficult when taking a close view of immediate events, to determine in just which direction the deeper and more steady current is tending. This is to be expected in such a complicated movement as that for liquor prohibition. Only the widest possible view will be really helpful in answering questions now being asked.

Among these questions are the following: Is public opinion in the United States now more favorable toward prohibition, or less so, than it was in 1920, when the national law came into effect? In which direction is it really moving? What has been the effect of first-hand observation, during these first few years, on the people as a whole? Do they believe that reasonable progress has been made toward reducing the evils of the old liquor traffic? That prohibition has failed, or succeeded? Or have they revised their decision and do they now want it to fail?

1. What is public opinion? It is easy to mistake the opinion of a class or group for public opinion. The man who meets daily his professional, or business, or labor, or religious associates finds among them a high percentage of people who have the same reactions toward public events that he has. The exchange of views with such associates only tends to confirm his own fears or strengthen his hopes; he comes to feel that such opinion is that of the whole country, instead of the impressions of a section of society. It is only after discussion has gone far outside the more intimate group, and the opinion of one class has had time to act upon and modify the opinion of other groups and sections and classes, that real public opinion begins to show itself.

The actual formulation of public opinion is something

far more fundamental and complex than are those expressions that appear in newspaper polls, or "straw votes" or hasty referendums. Such expedients, when they come previous to elections, have a certain value in stirring up action and causing opinion to clarify itself by discussion. But they have so often been found inaccurate as a test of what people seriously think when it comes to definite action or choice of candidates, as to be largely disregarded in the real work of legislatures and of Congress.

For there seem to be two very different phases of public opinion, or successive stages in its development. The one expresses itself quickly; it is made up more largely than the other of temporary emotions and first impressions about measures or issues or men; it is appealed to in all campaigns and seems to play the major part in most elections. The second stage of public opinion forms more slowly; it is more deliberate in expression, more definite and less subject to quick reaction. Much more discussion has taken place during its growth. It manifests itself in repeated votes in the same general direction and operates over a much longer period of time. It represents more nearly a man's "sober second thought"; it expresses his more permanent tendencies and ideas, while it is given much less space in the sensational type of newspapers and magazines.

James Bryce described this more permanent phase of public opinion when he said that it "expresses what is more or less thought and felt in all parties by their more temperate and unbiased members, and in its formation knowledge and thought tell." This kind of opinion usually is based upon something more substantial than one election, or campaign or "straw vote"; it comes in large degree, from much discussion and from first-hand observation of facts and experiences by the voters themselves.

In considering the present drift of public opinion on so highly controverted an issue as prohibition these different stages need to be taken into account. For paradoxically the country is passing through both of them, with many variations, at the same time; that is, examples of each may be found in most cities and many States, and certain sections are, as a whole, in one or the other of these stages.

2. Some of the "straws." The direction of the wind may be discovered by straws if the observation is wide enough. This generalization, however, needs modifying in the face of a storm such as that which has raged about the liquor traffic and its social consequence for a half century, lest the direction of public opinion be confused with the direction of the debris in a local whirlwind. What, then, are some of the indications, and how shall the direction of public opinion about prohibition best be determined?

(1) Indications of hostile sentiment. There are tendencies that suggest that popular support of national prohibition and its enforcement has become less than it was in 1920, its first year of operation. At that time the law was new and there was the interest in it that goes with a novelty; since then new ways of violation have been discovered and highly organized for illegal profit; liquor is being bought by some in a spirit that indicates as great a readiness to show contempt for the law as to obtain drink; there is a certain amount of "adventure" drinking for the sport of doing something unconventional, or for the thrill of showing associates that it can be done; the State enforcement codes of two States have been repealed; and the number of magazine writers, whether "propagandist" or not, who encourage the idea of personal choice among laws to be obeyed or disobeyed, has increased greatly.

Then there are other factors, often mistaken as new "straws," on the unfavorable side, but which are, in fact, only a continuation of the pre-prohibition opposition. This sort of activity is entirely natural and to be expected. There always has been wide and continued violation of all kinds of liquor-restrictive laws. This was an outstanding fact in license days. There are now certain wealthy, or "newly rich," or sporty classes who supply drink to their friends; these continue former practices, modified only by the diminishing supply in their cellars or the difficulties encountered by their "bootleggers." Official organized labor in America was even more decided in its opposition to prohibition in pre-prohibition days and in 1920 than it has been since. The calls by certain labor groups for the return of beer are but the continuation of old policies.

(2) Favorable Opinion Growing. On the other hand there are indications that the deeper forms of public opinion are steadily crystallizing in support of prohibition. In the state legislatures of the country as a whole the number of "drys" continues to be as large as ever it has been. Congress is overwhelmingly "dry," and it continues so, year after year. The voting majority favorable to the continuance of national prohibition in the Senate seems to have become stabilized at about three fourths, and that in the House of Representatives at two thirds. These indications are significant of the attitude of the people who elected the men in question; for a misinterpretation of the attitude of his constituency would cost the official his seat. It is this voting over and over again in the same general direction that tests the deeper and more permanent drift of opinion. It makes of every regular election a referendum "back to the people."

Certain definite tests, also, following established legal methods have occurred at various periods that indicate the direction of the more permanent drift of public opinion. Among these are the following: In Massachusetts, a typical industrial State of the East, with large cities and a notably mixed population, the voters defeated an enforcement act in 1922, by a vote of 103,000; but by 1924 they adopted a stronger measure by 4,000. California defeated an enforcement act by 65,000 in 1920, adopted it in 1922 by 24,000 and defeated an effort to repeal it in 1926 by a majority more than twice as great. In Missouri and Colorado, after repeated expressions of the people in previous years, the election of 1926 showed decided support for prohibition and defeat of efforts to repeal state enforcement codes. In the great majority of such tests, with the exception of the repeal of the enforcement code in New York and Montana, the outcome of state votes by the people has been to hold the ground or to add gains for "the drys."

The usual drift, with minor variations, has been similar to that of Ohio, a typical State, with its share of cities and foreign population as well as rural communities. Here the effect of public opinion that comes from continued observation of prohibition in operation over a period of years is

clear-cut. It is shown by the series of votes cast on the subject, by the people of Ohio as follows:

1914—"Wet" by 84,152
1915—"Wet" by 55,408
1917—"Wet" by 1,307
1918—"Dry" by 25,759
1919—"Dry" by 41,853
1922—"Dry" by 189,472 (Against Wine and Beer)

In the election of candidates for administrative and legislative positions, in the States as a whole and to federal offices, there has been a slow but steady increase in the number of those who are openly for prohibition and a decrease in the number of those who are evasive or openly opposed. There are many variations, but the usual drift is toward support of prohibition.

It has been when confusing or indefinite questions or so-called "referendums" with no binding or legal effect have been submitted to the people of a State, or when the tests of opinion have been in the form of "straw votes," that the results have seemed to point toward a slump in popular support of prohibition. But the conditions under which many of these referendums and straw votes are taken often vitiate them as records of the actual state of public opinion. The serious tests from year to year that are recognized by all classes—such as the choice of candidates and votes on questions under state laws—have shown steady support of the prohibition policy by the American people.

Business and industry are increasing their support because of the better working and living conditions that have come from the removal of saloon pressure on the weekly pay envelope. Better production, better use of time and machinery, less waste, less sickness and greater efficiency are being reported continuously and persistently. An increasing number of people are writing and talking of the dangers that would result on the public highway, with the tremendous increase in fast automobile traffic, if drink were to be put on general public sale. Increasing effectiveness in national enforcement; the driving away of the "rum fleet" from the Atlantic seaboard; the new treaties with foreign countries to help detect shipments intended for the illicit American trade; the negotiations between

Canadian and United States officials for co-operation to reduce smuggling of silks and tobacco northward and liquors southward across three thousand miles of international line; the increasing tenacity of prohibition in Central, Western and Southern States in view of the fact that the center of population of the country is in Indiana, a State in which foes as well as friends of prohibition acknowledge that it is relatively well enforced and strongly supported by opinion; the opinions of nine tenths of the university and college presidents of the country that the law is doing fully as well as might be expected in seven years—all these are "straws" on this side of the controversy.

3. Significance of the discussion. There are three widely different interpretations that may be put on these and other indications, reports, and local tests, so far as their effect on the present trend and future drift of the more substantial phase of public opinion is concerned.

The first may be called the "defeatist" attitude. Some people expected immediate, drastic results. Meeting severe difficulties, some of them are among the first to cry "failure." This panicky feeling has been re-enforced and expanded by the publicity campaigns of those who want failure, who fear success, and who find the cultivation of a cynical, joking, or defeatist attitude the best method of dissipating friendly support and taking the "force" out of enforcement. A careful observer in Canada has reported that the sudden shift of sentiment from prohibition to government sale in several provinces a few years ago was due to "a psychology of failure" rather than to any questioning of the facts in the situation.

The second attitude, that the Eighteenth Amendment settled the whole question, is less prevalent now than it was immediately after the law was adopted. More dependence on law and on the federal government has been succeeded by a truer sense of the realities of the situation. It is being appreciated that drink banishment is an evolution, not a revolution.

The third attitude is that reasonable progress has been made, all that could be expected in a few years, considering the size of the job, the hold of old drink customs, and the strength of the opposition; that, in fact, great changes

already have come although time for the moving forward of a generation may be necessary to yield full results; that difficulties in the meantime are but a normal part of the stupendous change going on. "Considering the millions of alcoholic 'kick' appetites acquired in saloon days," says a professor at the University of Pittsburgh, in a community where "success" and "failure" are most keenly controverted, "the enforcement has succeeded fully as well as most logical thinkers expected." This is the opinion that prevails in these sections where voters have had opportunity to see results, before and after, in the counties and States that have been "dry" for a period of years.

4. The ultimate test. The ultimate test of opinion is the practical one—How does prohibition actually work in the long run? This is being answered, as it should be in a democracy, by popular discussion, by the talk of man with man and after first-hand observation by average citizens. This deeper drift of opinion is registered in repeated elections over a period of years. If the steady drift in States and localities that have been "dry" longest is at all an index, no temporary reaction can possibly stop the progress of removing liquor from American life, whether this takes five years or fifty.

For Inquiry and Discussion

1. In what ways does public opinion express itself? (Distinguish here between the expression of *public* opinion, and the public expression of *private,* or individual, opinion.)

2. What expressions of opinion with respect to prohibition by representative bodies have come under your observation? Do they indicate that the law is regarded as a failure?

Are they favorable to the law and its enforcement, and optimistic regarding results? Do they represent the feeling that progress is being made on the whole about as rapidly as can be expected?

3. What are the agencies by which public opinion is made or altered?

4. What is the attitude of these agencies toward prohibition? Why?

CHAPTER XI

THE PROBLEM OF ENFORCEMENT

It seems clear from the experience of prohibition States and counties of long standing that public opinion grows increasingly favorable with success in enforcement—that the defeated minority, at first large, unwilling to give up former customs and enjoyments, or sources of profit, continue more or less hostile until they begin to see for themselves the new advantages and new satisfactions to be gained and are gradually won over to friendly support of the new regime. This change comes slowly, for there is much prejudice as well as sincere opposition to be overcome. But the opportunity afforded such persons to see for themselves the advantages of the law when it is reasonably well observed and enforced brings them in time to accept and approve it; in other words, they do not accept it as an abstract principle but because they see its value.

Therefore in so great an undertaking as national abolition of the liquor traffic, with the change that it involves in the personal habits of millions, and with a large and influential minority unconvinced, complete success in enforcement could not be expected at the outset. Considerable time must be allowed. From what happened in the state "experiment stations," it is reasonable to expect only very gradual success in making national prohibition effective.

Now, the practical question to be faced is: How may reasonable enforcement be secured over a period long enough to permit normal results to appear, long enough to give the larger national policy a fair trial, long enough to give its opponents as good an opportunity to see at first-hand what a dry community in their own State or city is like as its friends have had to see what a wet community is like, long enough to see whether it can produce, on a national scale, the favorable results that came after nearly a generation in sections that gave sufficient time for those

results to *ripen*. For this is about all that law and its enforcement may be expected to accomplish among a self-governing people.

The prohibition enforcement code was based upon experience over a period of nearly fifty years in making and enforcing state laws designed to stop the manufacture and sale of intoxicating liquors. Its definition of intoxicating liquors as any that contain as much as one half of one per cent of alcohol grew out of the experience of the Internal Revenue Department in collecting federal taxes on liquors. It was established, years earlier, in accordance with the wishes of the liquor manufacturers themselves, and was the definition used by most of the prohibition States.

Among the chief points of the enforcement code are: the definition of "intoxicating liquors" above noted; the banishment of the manufacture, sale, importation, exportation, and possession of such for beverage purposes; regulation of the production and distribution of liquors for medicinal, mechanical, or other non-beverage purposes; and provisions for punishment of violations of the law.

2. Partnership: federal and state. For many years before prohibition local, state, and federal governments shared responsibility in efforts to regulate and control the liquor traffic. The federal government made and enforced regulations affecting collection of revenue from importation, manufacture, and sale of liquors. The State made and enforced state laws regulating or prohibiting the traffic with the co-operation of local police; it imposed taxes and fees in connection with the legalized traffic. The subdivisions of the State, county, city, or town issued local licenses and permits for the sale of liquor or transportation of liquor locally and co-operated with state officials in enforcing state laws. When the state laws prohibited the entire traffic (manufacture and sale, etc.) state and local officials continued to co-operate as the enforcement power. This work was often rendered difficult by encroachments of the liquor traffic from non-prohibition States. The federal government then came to their aid with federal laws on interstate traffic in liquors. This showed the need of co-operation between state and federal government. Such co-operation of federal, state and local

authorities was natural; and the precedent should be continued at present.

In the very nature of the problem to be handled the control or prohibition of the drink traffic is one that demands the closest working together between local governments, which have so much to do with the everyday lives of the people, and the national government with its responsibility for handling phases of the problem that cannot be limited to States or localities, and cannot be handled save with reference to their common sources. The consequences of drink are similar wherever found; its sources are nation-wide; the forces that promote the traffic and defy control and regulation were not in the past, and are not now, limited by state or city boundaries. Liquor can never be merely a local question for each community to decide for itself, because its unfortunate consequences can never be confined to a drinking community alone; other communities, against their will, are compelled to share in them.

This principle of participation by all enforcement agencies is recognized in the Eighteenth Amendment, in that it provides that, "the Congress and the several States shall have concurrent power to enforce this article by appropriate legislation."

It was intended that this provision should lead to co-operation between state and national governments; that there should be a common policy, not forty-eight divergent policies each permitting a different definition of what constitutes intoxicating liquor and different methods and degrees of enforcement. It was intended to establish a co-operative policy in the enacting and enforcing of legislation for the steady removal of the liquor traffic from the United States. Under this provision each division has a field of its own. Each has a function in accord with the constitutional system that cannot adequately be performed by the other. There has been much controversy over the legal meaning of "concurrent" but the Supreme Court has determined the matter in a manner consistent with the intention above outlined.

(1) It is the place of the federal government, under the amendment and previous practice in liquor control, to prevent importation from foreign countries, to deal with

smuggling, to stop shipments between States, to control the huge stock of liquors left on hand in warehouses and at distilleries and breweries when the law went into effect, to regulate the disposal of this for non-beverage purposes, to supervise new manufacture for medicinal, mechanical, and other legitimate purposes and prevent its diversion to the "bootleg trade and to stop manufacture and wholesale distribution; to stop the traffic at its sources, and to go after the 'big violators.'" It may and does aid in local enforcement when local and state governments seriously neglect to act, but this it does as a sort of emergency duty.

(2) It is the function of the States to provide legislation and enforcement to stop the ordinary manufacture and sale, to give attention to individual violators and to enforce the laws, state and national, in counties, cities, towns, villages, and rural communities. In accordance with the theory of the republic and the second clause of the Eighteenth Amendment, enforcement of liquor prohibition is committed with special directness to state and local officials—to those who are closest to the everyday lives of the people.

(3) The city is a special department of the State, a government created by charter, ultimately responsible to the State. On such a matter as liquor control or prohibition it has a function of its own that no other authority can perform as well. Especially is this true in the great cities, with the tremendous power that the city government has over the everyday life of its people. The city police and all executive officials are expected to enforce state and national prohibition laws as well as city ordinances.

3. Special difficulties. The public situation prevailing about the time national prohibition came into operation tended to make its enforcement abnormally difficult. The task under the best of circumstances was bound to be one requiring great tact, patience, and co-operation between the various branches of government. But, culminating just at the time it did, the new policy was compelled to face a testing period that offered exceptional difficulties.

One of these was the fact that it came into operation in a post-war atmosphere of excessive individualism and of revolt from conventional ideals and social purposes and

control. A period of unusual idealism had been succeeded by a reaction toward the opposite extreme, making even ordinary social and legal control more irksome to many. The situation, in this respect, was vastly different from what it would have been eight years earlier. On the other hand, the practical idealism that finally secured national prohibition was in no small part a product of the war.

This after-war slump in idealism is not peculiar to America; it is found the world around. Yet it has made America's prohibition undertaking infinitely more complicated than it would have been under normal circumstances. In the long run this will be beneficial. It is as if a new safety device, just invented, had been sent to the Bureau of Standards at Washington for official test. Here every part of the new invention is subjected to pressure and strain many times greater than it can possibly meet under ordinary usage. For the time being national prohibition, by reason of after-war conditions, is being subjected to just such a period of testing.

Again, many people, unacquainted with the progress of prohibition sentiment and legislation, were surprised at the adoption of the Eighteenth Amendment and thought that prohibition had come merely as a result of war enthusiasms, that it was the product of an emergency period for emergency purposes, and that somehow it had been "put over" on them and the country had been pushed into this thing. Resentment thus felt or aroused has been extended indefinitely by propaganda. Then there was the confusion that came to some through the adoption of the temporary war prohibition measure. This measure which was for war-time purposes has too often been confused with the Amendment which was intended as a piece of permanent legislation. The Amendment would have been proposed at about the time it was, irrespective of the war or wartime prohibition.

For many years there has been a tendency in this country to depend too much on law. To get a law passed upon a subject has seemed to be the ultimate goal of people seeking improvement, and of legislators seeking to please their constituencies. There is not a sufficiently deep or general appreciation of the fact that law is but a step to

the desired end, especially in such far-reaching endeavors as banishing drink, or slavery, or even in some lesser matters of legislation. After 1920 temperance educational activity, except that conducted by the temperance societies, fell off in large part; not enough was done in school, church, and on the platform to bring to the oncoming generation and to the great unsympathetic minority the basic reason for prohibition as a national policy. The new measure was radical and drastic; all the more reason for much additional educational effort.

4. Normal difficulties. In addition there are the very natural difficulties in the enforcement of prohibition: the hundreds of thousands of men engaged in a profitable business who were expected to seek a new one; the millions of drinkers, some with an intense alcoholic craving, who clung tenaciously to their drinks; the later developing tendency among others to drink or purchase liquor for the sport of showing that they could do it; the established customs of millions of recent immigrants who knew nothing of the purpose of prohibition; those who had not been sufficiently reached in the educational work of the prohibition movement; the sense of a new limitation on individual freedom that the law brought to large numbers; and, most difficult of all to handle, the big profits in the trade, legal or illegal, and the opportunities for "graft" that come when something that offers great profits is restricted or forbidden by law.

5. Who are the violators? When national prohibition came into effect most of the people throughout the country, especially the middle and working classes, accepted the fact as the decision of the country; the defeated minority, in large part, began to settle down to the situation in a spirit of sportsmanship—of loyalty to the democratic rule of the majority. Many in the great centers of population did not fully understand what it meant and do not appreciate even yet that it was intended to end all manufacture and sale of intoxicating drinks. The half-ignorant violation of the law and the continued home production among the foreign populations of our large cities and industrial areas, call for sympathetic assistance to understand the intent of the law. These classes are not the real sources of trouble.

Among those who are the serious violators are the alcohol-habit victims of past years, a natural "hold-over" from saloon days; those who drink or sell for the adventure of the thing, for the "kick" that comes from daringly showing to immediate friends that they can do it; those who insist on having their own desires gratified, whatever the cost to others or the effect on law and order; those who count themselves a privileged class, who accept law for others but not for themselves—people of wealth, and sometimes of standing and influence in community and nation. It is those who create the demand that makes "bootlegging" so profitable, who willingly pay great prices for the sport of evading or defying the law, who are the supreme and most inexcusable promoters of liquor-law violations.

Speaking of certain "substantial, respected tax-paying members of the community" who patronize "bootleggers" United States Attorney General John G. Sargent asks: "Is any course open to those who demand the protection of the law, other than to aid and support its enforcement, instead of abetting and paying for its violation?

"Is any course open to any right-minded individual, to any section, any State, except to stand solidly for the observance of all law, instead of flouting a part of it, and asking for the enforcement of the balance?"[1] Or, in the words of Senator Borah, "The supreme test of good citizenship is to obey the Constitution and the laws when written. To disregard our Constitution, to evade it, to nullify it, while still refusing to change it, is to plant the seeds of destruction in the heart of the nation."

For Inquiry and Discussion

1. What, if any, enforcement act has your State? your local community? Is it adequate? How might it be improved?
2. What effect does anti-prohibition propaganda have on the problem of law enforcement?
3. Does the sight of disregard for law make friends or foes for prohibition?
4. What responsibility does the individual have with respect to the law?

[1] Address—January 22, 1926.

5. How can social drinking customs involving disregard of the law be changed?

6. Among what groups of people is violation of the law most common? Among what groups is observance most common? To what influences do you attribute these respective attitudes toward the law?

CHAPTER XII

FACING THE ALTERNATIVES

We have been examining the various aspects of the prohibition question. The issue now faces us, in the light of our survey of the whole situation, What course should the nation follow? In view of the difficulties encountered in making prohibition effective, should the law be modified? If so, which law, the Constitution or the Volstead Act? Would modification of the law make the situation better or worse? What are the actual feasible alternatives that face us at the present time?

1. Looking ahead. When one considers its historical background and its international aspects, it must be fairly clear that the movement to eliminate the liquor traffic is a social and economic movement, quite independent of its political phase—prohibition. The manufacture and sale of alcoholic beverages is an economic process and is subject to the same influences that govern business enterprise generally. It has become a great industry because it was developed in response to a great demand partly natural, and partly, to be sure, artificially stimulated. The progress of scientific knowledge, community betterment, health education, and moral training, supplemented by the discipline of industrial management and labor organizations, have all tended to limit the use of alcoholic beverages. Even if prohibition as a political expedient should be abandoned, it is quite apparent that the liquor traffic is doomed to ultimate defeat because of the social condemnation that it has incurred through the years. If we believe in progress through education, it is plain that the hope of the liquor traffic to re-establish itself by political measures is an ultimately vain hope.

Not only so, but prohibition itself, it must be remembered, represents not only one political issue, but two. National prohibition is now having its demonstration, but state prohibition has a much longer history and upon it a favorable political verdict has already been rendered. Few

people acquainted with the progress of the prohibition movement doubt that had the Eighteenth Amendment and the Volstead Act never been enacted, progress by means of state action would have continued, making steady inroads upon the so-called wet States. In other words, the prohibition movement would presumably go on even if its foes should succeed in modifying the national prohibition law. Such an accomplishment could hardly be more than a temporary setback, though it might be a very serious one.

Our attitude with reference to prohibition and the problems which it presents must be affected by our view of the probable ultimate success of this national and world-wide effort to eliminate the liquor traffic. There are those, to be sure, who still defend the use of alcohol as a beverage and who regard all prohibition measures, whether national or state, as misguided and wrong. But for practical purposes we seem justified in assuming that the American people definitely want to be rid of the traffic in liquors if it can be accomplished, and that they will continue the effort by other means if the present means should fail. If we take that view, the problem is wholly a practical one; that is to say, it is a problem of means rather than ends. If we are satisfied that the justification of prohibition is really a question of whether it offers a feasible means of attaining a desirable end—an end that we are bent on attaining ultimately, in any case—we shall want to make the most convincing possible demonstration on this point before considering any change of policy.

If there is one fact that stands out clearly in our experience with national prohibition, it is that that experience has not been long enough either to prove the possibility of effective enforcement or to make possible an adjustment to the new regime on the part of people whose personal habits and customs have been severely interfered with. Political and social changes do not come by a steady movement in a given direction but by spurts and starts, stops and occasional backward steps, which are followed in turn by longer steps in the direction in which society is bent upon going.

2. What are the alternatives? The important question in connection with this issue is this: What are the visible

alternatives which the situation presents? Criticism is easy; dissatisfaction is ever present in social and political life; but there is a limit to the practical courses of action which may be taken. Let us consider what they are in this case.

Is it not clear that we have before us only the following conceivable possibilities?—(a) Repeal or modify the Eighteenth Amendment. (b) Repeal or modify the Volstead Act. (c) Forget about the law and let the whole question go by default—in other words, nullify. (d) Obey the law and enforce it.

If these are recognized as the actual alternatives and the only alternatives which can be considered, it should be possible for rational persons to balance them against each other and arrive at a sane course of action. Probably every important social measure has some undesirable features. What we have to do is to select those measures which, taken all in all, will advance us farthest on our way.

3. Can the Eighteenth Amendment be repealed or modified? Taking up the first alternative: No matter how distasteful the prohibition amendment may be to certain groups in our population in certain areas of the country, the fact remains that when any State succeeds in eliminating the liquor traffic or reducing it to negligible and controllable proportions, it is eminently well satisfied at having done so, and is not to be shaken in its policy by wails from other States which have not succeeded so well. There are enough such States to make repeal of the amendment practically impossible.

Many contend that the amendment should have been permissive rather than mandatory, so that Congress might experiment with prohibitory legislation and repeal its own laws should they be found too drastic for adequate enforcement. Making the amendment mandatory, however, followed the precedent of the majority (19) of dry States which after years of experimenting found that satisfactory enforcement was possible only when prohibition was a mandatory part of their State constitution.

To modify the amendment would be almost as difficult a task as to repeal it, and few people, however firmly they oppose prohibition, seriously believe either course possible.

4. Should the Volstead Act be modified? Well, then, we come to the second alternative: The Constitution outlawed intoxicating liquors. No definition is given in the amendment of the word "intoxicating." Congress, following a precedent set many years ago for purposes of taxation, at the request of the brewers, and the standard of a large number of "dry" States, fixed the limit of alcoholic content which beverages might legally have at one half of one per cent. Now we hear it charged that Congress has passed a law more drastic than the Eighteenth Amendment itself, and has read into that amendment a purpose which the country did not entertain when the amendment was adopted. Suppose, therefore, for the purpose of argument, that the Volstead Act would have been just as truly in accord with the Constitution had it made a slightly more liberal definition of the word "intoxicating." The fact remains that the word "intoxication" is a physiological word and not a legal word, and that those who are clamoring for the "liberalizing" of the Volstead Act are trying to smuggle into the law an amount of "kick" which would clearly be contrary to the intent of the Constitution.

Suppose that in place of the one half of one per cent Congress should fix the limit of alcoholic content at one and one half or two per cent. Suppose that it could be satisfactorily demonstrated that the average human being could not consume enough of a liquid containing the given percentage of alcohol to produce the state which is physiologically known as intoxication. What then? It is perfectly patent that no such beverage is going to give the slightest satisfaction to those who are clamoring for the modification of the law.

We have heard a good deal of the Ontario "four point four," a beverage containing perhaps two and a quarter per cent by volume of alcohol. Its advent upon the market was hailed by the wets of both countries but it shortly proved to be a commercial "dud." A similar experiment in this country would meet with the same results. When a beverage acquires enough alcoholic content to make it acceptable in "modificationist" circles, it has crossed the line of constitutionality and must, presumably, be pronounced illegal by the Supreme Court.

It appears, therefore, that the modification issue is nothing other than the *nullification* issue, or an effort directed toward the ultimate repeal of the amendment.

5. Shall prohibition be nullified? The third alternative is to let the Constitution and the statute books alone but to forget about prohibition in actual practice; or, as suggested above, to nullify the Eighteenth Amendment. There is no small danger that in some sections of the country nullification of this sort will actually take place. In fact, it may be contended that in some of our cities the law is now practically nullified.

Of course this is not the first instance of nullification of law in the United States. People continually choose between different laws and decide which they will take most seriously. Distasteful as it may be to us, it is quite true that obedience to law as a virtue in itself, without reference to the merits of the particular law in question, has never been in high standing among the American people. But is it too much to ask that the "objector" against the Volstead Act shall voice his objection on moral grounds, and if he must violate the law, that he violate it in the open and with a determination to take the legal and social consequences of his act?

The practical and important consideration seems to be this, that while in some cases a law may be nullified without any particular harm resulting from it—as, for example, an overexacting speed law for railroad or motor traffic—a nullification of the prohibition law can only result in an insufferable amount of moral and political corruption and in the creation and maintenance of a desperate criminal class. It is a bit alarming to realize how quickly and easily nullification of a law may come about. It is impossible to control common practices simply by awing people with the enactment of a law. But with reference to prohibition of the liquor traffic no easy-going policy is possible. Nullification of the law would not mean a resumption of pre-prohibition conditions, for no State has attempted to deal with the liquor traffic by letting it alone. Nullification would mean that we had finally substituted a condition of anarchy with reference to a traffic which it has long been recognized must at least be subjected to rigorous con-

trol. Nullification of prohibition is morally and politically unthinkable.

6. Shall the prohibition law be obeyed and enforced? Thus we come to the final alternative. Many States and communities have already adopted it. The wet States and communities will, it would seem, be obliged to adopt it sooner or later. The issue comes down to the familiar slogan, "Eventually, why not now?"

To be sure, enforcement in our large cities cannot be thoroughly effective until voluntary compliance with the law has measurably increased. But this is only another way of saying that the process of accepting the prohibition regime on the part of the country is still incomplete. Those States and communities that are in line with the national policy have effected a relatively easy and happy adjustment to the situation. Would not the remaining States and communities be well advised to adjust themselves as speedily as possible to what seems to be permanent national policy? The point here is that none of the alternatives promises anything in the way of a permanent solution of our problem except this last—the acceptance of the law and progressively effective enforcement.

7. What of the referendum idea? The word "referendum" is an intriguing one in a democracy, and as long as the issue is legitimate there is no visible justification for opposing a referendum. A referendum to the voters of a State as to what their own State prohibition law shall require is manifestly legitimate, though the law, if adopted, will have to undergo the test of constitutionality.

So far as a national referendum is concerned, the Constitution of the United States makes no provision for a direct popular vote on any part of the Constitution or on any law enacted by the Congress. It provides no machinery by which a legal referendum of this kind could be held. The right of direct expression of the wishes of the people for or against federal legislation is secured in the right of petition and in the fact that the voters may elect to the Congress senators and representatives who are in sympathy with the legislation desired. If it be said that elections do not constitute a clear-cut referendum on prohibition because there are always other issues to be con-

sidered, the answer is that this was also the case during the years when national prohibition legislation was being secured, yet by orderly constitutional methods public opinion in favor of it was able to express itself with such definiteness that the legislation was secured by far more than the necessary majorities.

The Judiciary Committee of the United States Senate in 1926 clearly stated the case as to a national referendum in the following words:

"The Constitution is a grant of powers. These powers are limited and such limitations are not to be transcended. A national referendum is not provided for, and it is not our belief that it was in the intention of the framers of the Constitution that a referendum would ever be attempted."

But the question of a national referendum is probably only academic, for if there are enough people in the country who are hostile to prohibition to carry such a referendum they will sooner or later find ways of expressing their views. The country will have its way eventually by one means or another. The present writers believe that the sentiment of the nation will become more and more favorable to prohibition.

For Inquiry and Discussion

1. Who are responsible for the agitation for referenda?
2. By what measures may changes in the prohibition law be secured?
3. If changes are desirable, and until they are secured by orderly process, what is the honorable and wise course?

CHAPTER XIII

A PROGRAM OF ACTION

We have now discussed the prohibition question and the problem of temperance education from their various angles. We have reviewed the liquor traffic from the point of view of its physiological and its social effects. We have considered the movement for abolition of the traffic in the light of its history and of its international aspects. We have considered the evils attendant upon the effort to establish prohibition in America, and have set over against them the undeniable economic and moral gains that have come about since the adoption of the Eighteenth Amendment and the passage of the National Prohibition Act. We have considered the question of responsibility from the President of the United States down to the last individual citizen. We have examined the several conceivable alternatives which are open to us as a nation if we choose to alter present conditions.

If our reasoning is good, no course is open to us which is not likely to increase our problems and accentuate present evils, except to persist in the difficult task we have commenced by maintaining our stringent prohibition laws. This does not rule out of court the person who honestly believes the Eighteenth Amendment was too severe a restriction to place, all at once, upon the entire population. The fact remains that this daring step has been taken and the country as a whole is in no mood to repeal the amendment. The die is cast.

Now, then, what are we as citizens going to do about it? Are we going to let the government do the worrying? Are those of us who do not approve the present policy going to get our satisfaction in protest and in nonconformity? Or are we all going to co-operate in an admittedly hard task, and, to adapt a biblical phrase, come up to the help of the government against the mighty?

1. The obligation to be intelligent. Probably no question that has ever been before the country has been the

occasion of so much uninformed and even silly popular discussion as the prohibition question. One may hear on the street corner, in a Pullman car, or in a hotel lobby the most absurdly contradictory statements about it by people who are, in general, highly intelligent. This is not all their fault. The press has added to the confusion by publishing wild statements, the general character of which in the larger and more influential papers has been hostile to prohibition, while its supporters, thus put at a disadvantage, have had to fight under the handicap of inadequate information.

Yet there is no excuse, even in the smallest village, for the ignorance and the persistent distortion of facts that people have very generally indulged in. It would seem that the first duty of the citizen, whether in Chicago or in Walla Walla, is to be as intelligent as he can on this question, and, while he is seeking to inform himself, to refrain from over-dogmatic statements. The first thing, then, that we can "do about it" is to help those about us to inform themselves. Information will not only correct wrong impressions; it will increase the weight of the arguments of those who now speak from conviction without the support of definite knowledge.

The general size-up of the situation presented in this course can be verified by anyone who cares to take the trouble to do it. Not that all the needed information is available—far from it. In fact, the lack of scientific data with reference to the results of prohibition is one of our most serious difficulties. But the loose statements that are current to the effect, for example, that more liquor is being consumed than ever before and that the morals of the young have been destroyed by prohibition, can be easily shown to be without foundation. The major statistical facts are matters of record and can be secured by consulting sources given in the bibliography appended to this course. To be sure, anyone who undertakes to deal with facts must be prepared not to find everything demonstrating the fullest possible benefit from prohibition. He will, however, be equipped to combat superficial arguments that are flung in his face.

2. A "personally conducted tour." But the statistics of

the matter tell only a part of the story at best. What the average voter wants to know is how prohibition actually affects a community like his own. Now, a few careless observations may lead a person sadly astray—on either side of the truth—but any citizen can discover much if he has the necessary diligence and an open mind.

The World League Against Alcoholism has prepared a list of very suggestive questions for the individual citizen to consider in the light of his daily observations. Any person or group of persons undertaking to "do the town" from the point of view of the effects of prohibition will doubtless think of other points to be covered, but the following fifteen questions taken from the League's list should be useful. No one person or group will be able to find satisfactory answers to them all, and young people may need to consult those whose memories run farther back. But the questions are very pertinent. Here is the list:

1. Do the streets of the average city show more evidence or less of the liquor traffic since the adoption of prohibition?
2. Are the railroad trains with their Pullman cars, dining cars, and day coaches, the interurban cars and city street cars, freer or less free from evidence of drinking and intoxication since the adoption of prohibition?
3. Do the hotels in their lobbies, elevators, dining rooms and guest rooms, show more or less evidence of the liquor traffic than that shown before the liquor traffic was outlawed?
4. Do political meetings, caucuses, rallies and political conventions, fairs, carnivals, baseball and football games, expositions and holiday celebrations show more evidence or less of the liquor traffic than was to be found prior to prohibition?
5. Do college graduates who have attended the commencement exercises of their respective colleges from year to year during the past fifteen or twenty years believe that there is more liquor or less on the average campus since the adoption of prohibition?
6. In the handling of all great crowds at especially popular public functions has there been greater difficulty due to drinking and drunkenness or less difficulty due to such causes since the country went under prohibition?
7. Do conditions around local, state and national public buildings, city council rooms, state legislative halls and Congressional chambers, and at the theaters in the towns and cities indicate a greater or less use of beverage alcohol than was to be found when the liquor traffic was conducted under license regulations?
8. Is there more or less evidence of intoxication among automobile drivers in proportion to the number of automobiles used than there was prior to prohibition?

9. Is there more indication or less of the part played by beverage alcohol in labor disputes, strikes, mine disturbances, mobs, riots, and class outbreaks since the inauguration of prohibition?

10. Are local, state, and national elections freer or less free from beverage alcoholism and from the evidence of the political activity of the liquor traffic since the beginning of the prohibition regime?

11. Is there more evidence or less of drinking and drunkenness in and around manufacturing plants, and have industrial accidents and absenteeism among factory employees increased or decreased under prohibition?

12. Are there more evidences or fewer of the liquor traffic in agricultural activities and in agricultural sections?

13. Have the homes and living conditions of the laboring classes improved or otherwise, and are there indications of more thrift or less and a greater or less degree of poverty as a result of prohibition?

14. Among those you have personally known before and since the adoption of prohibition, is there to your own certain knowledge more or less drinking and drunkenness than there was before prohibition went into effect?

15. How much of the much-referred-to drinking among young people is hearsay evidence and the result of wet propaganda, and how much of such reports stands the test of first-hand investigations you have made and first-hand knowledge you possess?

The study group will do well to observe systematically the conditions in its own community with these questions in mind, discuss together the results, and invite other persons to consider them candidly.

3. Co-operation in enforcement. One of the most frequent questions raised is, "What should one do who has knowledge of a violation of the law?" Sometimes it takes the form: "What *can* one do?" Either question must be answered differently in different communities. Here, again, the first thing needed is information concerning local officials and their policy. This should be done in the light of the information given in Chapter III.

Citizens might be of vastly greater service to the government than the majority of them are. It must be remembered, however, that unless the offense is continuing so that the police can observe it or prohibition agents can secure legal evidence of it, it will do no good to report it if the complaining witness is not able and willing to give evidence in court. One who wants to be helpful needs to know what constitutes legal evidence and what he may legally do in securing it. Such information may be secured

from the nearest prohibition administrator or from the prosecuting attorney's office. However, this is a form of co-operation in law enforcement that few people seem ready to give. It is surely fair to say that the person who has definite knowledge that an offense is being committed and can furnish evidence upon which a conviction may rest has no right to complain against the government for faulty enforcement of the law until he has done his part in bringing offenders under the restraint of the law.

Anyone, however, who lives in a city where violations are frequent must have great patience when he reports an offense, particularly if it is committed under conditions which make the securing of legal evidence difficult. In some communities where the number of violations is great and enforcement staff inadequate, enforcement officers often have to disregard complaints of minor offenses in order to concentrate upon the more important cases. Even with more effective enforcement it is not improbable that conditions in some of our cities will be bad for a good while to come—until the ultimate consumer of illicit liquor curbs the demand created by his own appetite. In such places no one contributes more to the breakdown of morals than the person who says continually, "I have reported violations again and again and nothing happens." The answer is, "Keep on reporting, but do not complain to your neighbors unless you are convinced that the trouble is with the officers."

But the most effective assistance in law enforcement is to be given by encouraging the faithful public official and assuring his re-election. Every officer of the law knows that some laws must be enforced if he is to retain public favor but that the enforcement of others may jeopardize his popularity. It is therefore important that the official shall know that the public is behind him in his task of law enforcement, for the prohibition law is the kind of law that will be accorded just that amount of importance that the voters insist upon.

4. Winning friends for the law. Nothing can compare with the service one renders who by influence and example lessens the actual number of offenses with which the officers have to deal. This is the supreme task of all who are eager

to make prohibition ultimately successful. How can it best be done?

As has already been intimated, the mere challenge to "obey the law" is not sufficient, at least, not in general. But what would be the effect of the simple bearing of testimony by those who keep the law themselves? Suppose that those of us who keep the law, not just because it is on the statute books but because we believe it is a useful law, or at least because we believe that if it were accepted in good part by the community, it would result in untold good—suppose that all who are so minded should take every occasion that offers to state their conviction and their practice. Suppose that all of us should meet every attack made in our presence upon the law with a simple, non-belligerent but loyal defense of it, and should confront disobedience with *conspicuous obedience,* what would be the result?

One of the writers heard a man who is himself friendly to prohibition say, "I have yet to be in the presence of any group of men, assembled on any sort of occasion, where there has been light talk about drinking and about 'my bootlegger,' where a single man has raised the question whether this is the kind of thing that good citizens should do."

And yet who is there who has not, in business conversations, in social clubs, in student gatherings, athletic games and on all manner of other occasions, been confronted with statements or with conduct that require either express disapproval of law violation or tacit acquiescence?

Further opportunity is offered with respect to the hotels and eating places one patronizes. Respectful request that the law be complied with, followed, if necessary, by withholding of patronage, is an effective and certainly a legitimate means of furthering observance of the law. It must be employed in a kindly spirit, not in a way to increase antagonisms. One of our most serious difficulties at present arises out of the fact that so many people are not merely anxious to defeat prohibition but would go almost any length to humiliate and discomfit the prohibitionists, against whom they cherish animosity. Let us keep the prohibition question in the realm of discussable things, for

when people are thoroughly "mad" the most conclusive proofs make little or no impression.

5. What can the churches do? The war on the liquor traffic has always been led by the churches since its beginnings in the eighteenth century. It was church leaders who started and carried on the organized temperance movement of the early nineteenth century.

Later, through organizations like the Good Templars and the Woman's Christian Temperance Union, and others, the Christian moral sentiment of the nation pressed for total abstinence to "keep the man away from the liquor," while at the same time they worked against the traffic—"to keep the liquor away from the man." Thirty-five years ago the churches were even more specifically called into action to crusade against the liquor traffic through the Anti-Saloon League. Through this agency, the Woman's Christian Temperance Union and the church temperance boards and committees a tremendous sentiment for abolishing the traffic grew up.

Since national prohibition was adopted many of the churches have given less active support for the work remaining to be done—not because they had lost their zeal, but because the members did not always realize that a prohibition *law* is only one stage in the struggle to free the nation from drink—a means, not an end—and because they were not clear as to what further activity was required. They are more awake to the situation now, aroused by a gathering storm of opposition to the law on the part of its foes.

There is one thing that every minister can do effectively. He can put the prohibition question before his congregation in the light of the issues here raised and of the possible alternatives. He is not responsible for the decisions his people make, but he is responsible for confronting them with the facts of the situation and the moral issues that are involved.

And what is the duty of the minister is no less definitely the duty of the laymen who are responsible for the policy of the church. The entire educational and social program of the church can be so organized as to foster liberty of conscience and yet compel a facing of the issues and a

decision as to what attitude toward prohibition is required by an intelligent, patriotic, and Christian citizenship.

For Inquiry and Discussion

1. Make a study of local conditions, in accordance with the list of questions in this chapter, supplemented or revised to suit local conditions.

2. Upon the basis of this study, outline a program making due provision for legal and political measures; publicity; public education; recreation; religious education.

3. Work out a plan of community organization to carry out this program in which the churches, the schools, health agencies, business men, and political and social leaders shall all have appropriate representation for every citizen.

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